

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
ORGANIZATIONAL SESSION
OF 1995

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, JANUARY 10, 1995



Vol. 1

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
ORGANIZATIONAL SESSION
OF 1995**

FIRST DAY

**House of Representatives
Montgomery, Alabama
Tuesday, January 10, 1995**

JOURNAL

of the House of Representatives of the State of Alabama of the Organizational Session of 1995, begun and held at the State House in the City of Montgomery, State of Alabama, on the second Tuesday in January, 1995, being the tenth day of the month in the Year of our Lord, One Thousand Nine Hundred and Ninety-Five, at 12 o'clock, M., on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, the House was called to order by the Honorable James S. Clark, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Mr. James Cullins, former member of the House of Representatives.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Heather Ergle, Senior, Phil Campbell High School, Phil Campbell, Alabama.

LEAVE OF ABSENCE

At the request of Representative Clark (J), leave of absence was granted for Representative Hawkins.

**CERTIFICATION OF RESULTS FOR GENERAL ELECTION
HELD ON NOVEMBER 8, 1994 FOR MEMBERS
OF THE ALABAMA HOUSE OF REPRESENTATIVES****STATE OF ALABAMA**

I, Jim Bennett, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that as appears on record in this office, the pages hereto attached, contain a true, accurate and literal copy of election results filed in the Office of the Secretary of State for the 1994 General Election.

District No. 1, Nelson R. Starkey, Jr.; District No. 2, James H. Hamilton; District No. 3, Marcel Black; District No. 4, Nelson Papucci; District No. 5, Tommy Carter; District No. 6, Lee Jorgensen; District No. 7, Sam Letson; District No. 8, Bill J. Dukes; District No. 9, Paul Parker; District No. 10, James C. Haney; District No. 11, Tom Drake; District No. 12, Neal Morrison; District No. 13, Thomas E. Hogan; District No. 14, Ken Guin; District No. 15, Johnny L. Curry; District No. 16, Sam Collins; District No. 17, Michael J. Millican; District No. 18, Johnny Mack Morrow; District No. 19, Laura Hall; District No. 20, Howard Sanderford; District No. 21, Randy Hinshaw; District No. 22, Albert Hall; District No. 23, John Robinson; District No. 24, Ralph Burke; District No. 25, Howard Hawk; District No. 26, W. F. McDaniel; District No. 27, Jim Murphree; District No. 28, Joe M. Ford; District No. 29, John G. Page; District No. 30, Blaine Galliher; District No. 31, Jack B. Venable; District No. 32, Barbara B. Boyd; District No. 33, Ronald G. Johnson; District No. 34, Gerald Willis; District No. 35, Larry P. Sims; District No. 36, Mike Rogers; District No. 37, Richard J. Laird; District No. 38, William P. (Bill) Fuller, Jr.; District No. 39, Richard J. Lindsey; District No. 40, Al Knight; District No. 41, Mike Hill; District No. 42, Curtis Smith; District No. 43, Allen Sanderson; District No. 44, Arthur Payne; District No. 45, Albert G. Morton; District No. 46, Jim Carns; District No. 47, Mark L. Gaines; District No. 48, John Hawkins; District No. 49, Dave Thomas; District No. 50, Jim Townsend; District No. 51, Tony Petelos; District No. 52, John W. Rogers, Jr.; District No. 53, Demetrius C. Newton; District No. 54, George Perdue; District No. 55, Warren A. Minnifield; District No. 56, Lawrence McAdory; District No. 57, Tommy L. Houston; District No. 58, Earnest Johnson; District No. 59, Lewis G. Spratt; District No. 60, John R. Hilliard; District No. 61, Allen Layson; District No. 62, Gerald Allen; District No. 63, Tim Parker; District No. 64, James E. Warren; District No. 65, Jeff Dolbare; District No. 66, Frank P. White; District No. 67, Edward A. Maull; District No. 68, Thomas E. Jackson; District No. 69, James L. Thomas; District No. 70, Bryant Melton; District No. 71, Lucius Black; District No. 72, Andrew Hayden; District No. 73, Perry O. Hooper, Jr.; District No. 74, Bob McKee; District No. 75, Greg Wren; District No. 76, Thad McClammy; District No. 77, John F. Knight, Jr.; District No. 78, Alvin Holmes; District No. 79, Pete Turnham; District No. 80, Lesley Vance; District No. 81, Betty Carol Graham; District No. 82, Thomas Reed; District No. 83, George Bandy; District No. 84, James S. Clark; District No. 85, Locy Baker; District No. 86, Joe R. Carothers, Jr.; District No. 87, Riley Seibenhener; District No. 88, H. Mac Gipson, Jr.; District

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No. 89, Steve Flowers; District No. 90, Charles O. Newton; District No. 91, Garreth Moore; District No. 92, Seth Hammett; District No. 93, Steve Clouse; District No. 94, Walter E. Penry, Jr.; District No. 95, Stephen A. McMillan; District No. 96, Michael E. Box; District No. 97, Yvonne Kennedy; District No. 98, William Clark; District No. 99, James E. Buskey; District No. 100, Victor Gaston; District No. 101, Chris Pringle; District No. 102, J. E. Turner; District No. 103, Joseph Mitchell; District No. 104, Mike Dean; District No. 105, R. P. (Phil) Crigler, Jr.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

January 6, 1995

Date



JIM BENNETT
Secretary of State

OATH OF OFFICE

The Oath of Office prescribed by the Constitution of the State of Alabama was administered to the above Representatives-elect by the Honorable Gorman Houston, Justice, Alabama Supreme Court.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

The House then proceeded with the election of its permanent officers.

ELECTION OF SPEAKER

Representative Mike Box of Mobile County placed in nomination for Speaker of the House of Representatives, the Honorable James S. Clark of Barbour and Henry Counties, which was seconded by Representative Laura Hall of Madison County.

On motion of Representative McMillan, seconded by Representative Page, the nominations were closed.

The Honorable James S. Clark, having received a majority of the votes cast of those elected to the House of Representatives, was declared duly and constitutionally elected Speaker of the House of Representatives for the term prescribed by law. Those who voted for the Honorable James S. Clark are:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Representatives Holmes and Perdue abstained from voting in the election of the Speaker of the House of Representatives.

OATH OF OFFICE

The Oath of Office prescribed by the Constitution of the State of Alabama was then administered to the Honorable James S. Clark by the Honorable Gorman Houston, Justice, Alabama Supreme Court.

ELECTION OF SPEAKER PRO TEMPORE

Representative Jack Venable of Coosa and Elmore Counties placed in nomination for Speaker Pro Tempore of the House of Representatives, Representative Seth Hammett of Covington County, which was seconded by Representative Al Knight of Shelby and Bibb Counties.

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On motion of Representative Thomas (D), seconded by Representative White, the nominations were closed.

The Honorable Seth Hammett, having received a majority of the votes cast of those elected to the House of Representatives, was declared duly and constitutionally elected Speaker Pro Tempore of the House of Representatives for the term prescribed by law. Those who voted for the Honorable Seth Hammett are:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Representatives Hammett and Holmes abstained from voting in the election of the Speaker Pro Tempore of the House of Representatives.

OATH OF OFFICE

The Oath of Office prescribed by the Constitution of the State of Alabama was then administered to Representative Seth Hammett by the Honorable Hugh Maddox, Justice, Alabama Supreme Court.

ELECTION OF CLERK OF THE HOUSE

Representative Tommy Carter of Limestone County placed in nomination for Clerk of the House of Representatives, the Honorable Greg Pappas of Montgomery County, which was seconded by Representative Demetrius Newton of Jefferson County.

On motion of Representative Knight (A), seconded by Representative White, the nominations were closed.

The Honorable Greg Pappas, having received all of the votes cast by those elected to the House of Representatives, was declared duly and constitutionally elected Clerk the House of Representatives for the term prescribed by law. Those who voted for the Honorable Greg Pappas are:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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OATH OF OFFICE

The Oath of Office prescribed by the Constitution of the State of Alabama was administered to the Honorable Greg Pappas, Clerk of the House, by the Honorable James S. Clark, Speaker of the House.

RESOLUTIONS

The following resolutions were introduced:

By Representative Hammett:

H.R. 1. NOTIFY SENATE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the Clerk of the House of Representatives inform the Senate of Alabama that the House of Representatives has perfected its organization and elected its permanent officers and is now ready for the transaction of public business; that he communicate to the Senate the names of the several officers elected by the House.

On motion of Representative Hammett, the resolution, H.R. 1, was adopted.

Also:

By Representative Hammett:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Hammett, the resolution, H.J.R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives McMillan, Knight (A) and McKee.

Also:

By Representatives Hammett, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 3. COMMENDING JAMES M. CAMPBELL OF ANNISTON, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes James M. (Jim) Campbell of Anniston for outstanding service to the State of Alabama as a member of the House of Representatives for sixteen years and, through election by his peers, as House Speaker Pro Tem for the past eight years; and

WHEREAS, an attorney in private practice, Mr. Campbell is a native of Calhoun County who was educated in the Anniston City Schools, and attended Emory University and the Emory University School of Law where he received both his undergraduate and law degrees in 1964 and 1966, respectively; and

WHEREAS, Jim Campbell was first elected to the Alabama House of Representatives in 1978, and was subsequently reelected by the constituents of House District 36 to three consecutive four-year terms, during which tenure he provided outstanding leadership in a number of key committee assignments, including Judiciary (Chairman, 1983-1986), Rules, Education, the Standing Committee on Reapportionment (Vice-Chairman) and Banking (Vice-Chairman, 1983), among others; and

WHEREAS, he further has served most ably as chairman of the Legislative Council and as President of the Alabama Law Institute and is the sponsor of such significant legislation as the Administrative Procedures Act, Eminent Scholars Act, Regional Reciprocal Interstate Banking Act, and the Fair Campaign Practices Act, as well as other meaningful legislation to the benefit of the people of Alabama; and

WHEREAS, Representative Campbell, in addition to his many years of positive impact upon state government, has also provided consummate leadership and support to his profession and the community as a member and/or officer of the American Bar Association; the Alabama State Bar and its Practice and Procedures Section; the Calhoun County Bar Association; the Board of Bar Commissioners of the Alabama State Bar, and its Executive Committee; and to the Anniston City Board of Education, the First United Methodist Church of Anniston, and the Calhoun County Chamber of Commerce, to name but a few of his many civic and professional affiliations; and

WHEREAS, through continuous perseverance in the service of the people, and with faithful adherence to the public trust, Jim Campbell has indeed well-served his state and community, thereby earning the gratitude of all those he has served so diligently, as well as the admiration and respect of those of us with whom he served over the course of his distinguished career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest praise of the many notable contributions and accomplishments of his legislative tenure, and in public acknowledgement of his judicious leadership as Speaker Pro Tem of the Alabama House of Representatives, we hereby commend James M. Campbell of Anniston, Alabama, for whom a copy of this resolution of warmest personal regard shall be provided.

On motion of Representative Hammett, the resolution, H.J.R. 3, was adopted.

Also:

By Representative Hammett:

H.J.R. 4. BINDING OF ACTS AND JOURNALS

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this organizational session be bound with the regular session or any special sessions in 1995.

On motion of Representative Hammett, the resolution, H.J.R. 4, was adopted.

Also:

By Representative Hammett:

H.R. 5. CREATING A SEATING AND OFFICE SPACE COMMITTEE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a Committee consisting of seven members of the House, one from each Congressional District, be appointed by the Speaker of the House to assign seats and office space to the several members of the House.

On motion of Representative Hammett, the resolution, H.R. 5, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Newton (C), Hall (A), Turner, Johnson (R), Page, Sanderson and Rogers (J).

Also:

By Representative Hammett:

H.J.R. 6. CREATING A LEGISLATIVE PARKING COMMITTEE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to work with the Chief of Services and Capitol Police, Department of Finance, and in assigning parking places to members of the Legislature. Said Committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

On motion of Representative Hammett, the Resolution, H.J.R. 6, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Starkey, Thomas (J) and Curry.

Also:

By Representative Hammett:

H.J.R. 7. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 10, 1995, they adjourn to meet again on Wednesday, January 11, 1995, and when they adjourn on Wednesday they adjourn to meet again on Tuesday, January 17, 1995.

On motion of Representative Hammett, the resolution, H.J.R. 7, was adopted.

Also:

By Representative Hammett:

H.J.R. 8. RELATIVE TO JOINT SESSION.

BE IT RESOLVED that the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:30 a.m. January 11, 1995, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 8, 1994, as required by the Section 115 of the Constitution of Alabama.

On motion of Representative Hammett, the resolution, H.J.R. 8, was adopted.

Also:

By Representative Hammett:

H.J.R. 9. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1995.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature.

**JOINT RULES
OF THE TWO HOUSES OF THE LEGISLATURE OF
ALABAMA**

1. Messages from one house to the other shall take precedence over all other questions.

2. When House and Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it disclosed at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The draft of any bill which is for introduction at any session of the Legislature, and which is not prepared by the Legislative Reference Service, the Legislative Fiscal Office, or the Executive Budget Office, shall be presented to the Legislative Reference Service for review, preparation of a synopsis, and entry into the Legislative Data Bank at least two days prior to introduction.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office and the Director of the Alabama Law Institute, and the Chief Examiner of the Department of Examiners of Public Accounts, in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary of the Senate or Clerk of the House for introduction in either House unless it is a legible copy, typed on 8 1/2" by 11" paper with numbered lines which are double-spaced.

(d) All bills or resolutions that have been amended in the House of origin shall be engrossed by that House prior to being delivered to the other House.

(e) No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

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14. Any bill that proposes an amendment to the Constitution of the State of Alabama shall include in the text of the bill specific language that shall appear on the ballot if the bill is passed by the Legislature.

15. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

RULES RELATING TO COMMITTEES

16. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

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The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. _____ is attached).

(Example: Amend H.B./S.B. _____ as follows:)

Name

Name

Name

CONFEREES OF THE HOUSE

Name

Name

Name

CONFEREES OF THE SENATE

17. All amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office.

18. Drafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, must be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

RULES RELATING TO LOBBYING

19. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith,

shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

20. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interest, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

21. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

22. Obligations of Lobbyist. A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

23. Rules Committee Advisory Opinions. A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

24. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

25. Secretary to Provide Forms. The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

26. Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

On motion of Representative Hammett, the resolution, H.J.R. 9, was adopted.

Also:

By Representative Hammett:

H.R. 10. ADOPTING RULES OF THE HOUSE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following be adopted as the permanent Rules of the House.

GENERAL RULES OF ORDER AND PROCEDURE

Rule 1. The doorkeeper shall on meeting days, thirty minutes before the session begins, clear the floor of the House of all unauthorized persons.

The proceedings of the House shall be public but no person shall be admitted to the floor of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his representative, members of the press (not to include trade or association representatives) who shall be placed by the Clerk of the House, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor. The families of the members of the House shall have the privilege of the floor on the first legislative day of any regular or special session.

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Former members who are registered lobbyist shall not have privileges of the floor. When other former members are on the floor, they shall not engage in any lobbying activities.

Rule 2. Unless it is otherwise specifically provided for by resolution or motion, the House shall meet at ten o'clock a.m.

Rule 3. The Speaker shall take the chair every day at the hour fixed on the preceding adjournment. He shall immediately call the members to order, and on the appearance of a quorum cause the journal of the preceding day to be read. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate.

Rule 4. No motion shall be deemed in order to admit any person on the floor of the House to present any petition, memorial, or address, or to have any such read.

Rule 5. The presiding officer of the House alone shall introduce visitors in the House gallery. Such introductions shall be made at the request of any House member, but shall be made only at such time as not to interrupt or disturb the orderly transaction of business.

Rule 6. The order of business in the House shall be:

(1) The report of the Committee on Rules of resolutions, which shall be read by their titles and a proper disposition made of them.

(2) The reports of other standing committees of bills, which shall be read by their titles a second time. In the call of committees the Speaker shall call them in their order.

(3) The call of the districts in numerical order for the introduction of bills, resolutions, and for the purpose of members stating points of personal privilege.

(4) The consideration of local bills that are uncontested. Any local bill may be contested by one or more member(s) filing a written statement of contest with the Clerk.

(5) The unfinished business in which the House was engaged at its last adjournment.

(6) The consideration of bills in the order presented on the calendar.

Rule 7. Executive or Senate messages shall have priority over other business, and as soon as they are received they shall be read by the Clerk and a proper disposition made of them. The House shall then proceed with the business engaged in when interrupted by the message.

Rule 8. No motion to carry over all bills on the calendar to reach a certain bill shall be in order.

Rule 9. The rules of the House shall not be suspended except by a four-fifths vote of a quorum present and voting.

Rule 10. No rule shall be rescinded or amended without one day's written notice of the motion thereof being given to the Clerk who shall place such notice in each member's House mailbox.

All proposed rule changes shall be considered when requested by the member who filed such notice. Such consideration shall be during the call of the districts pursuant to Rule 6(3).

Rule changes shall be enacted by a majority vote of the House membership.

Rule 11. No special order for the consideration of bills shall be set except by a resolution reported from the Committee on Rules and adopted by a vote of a majority of the members present and voting.

Such resolution may limit the time each bill may be considered before proceeding with other business.

Any resolution from the Committee on Rules setting a special order may be amended or substituted on the floor of the House by a vote of a three-fifths majority of the members present and voting.

Rule 12. Upon the introduction of a bill or resolution the same shall be read by its title and referred to a standing committee.

Rule 13. All bills shall be dispatched in the order in which they are introduced, unless the House otherwise directs.

Rule 14. A bill may be recommitted to the same or another standing committee and on recommitment the bill shall be open to amendment.

Rule 15. The total number of votes necessary for the passage of any bill or resolution in which the Constitution of the United States of America is to be amended or altered shall be no less than the number of votes necessary to amend the Constitution of the State of Alabama.

Rule 16. When a motion is made it shall be stated by the Speaker; or if it is in writing it shall be read aloud by the Clerk. A motion shall be reduced to writing if the Speaker or any member requests it.

Rule 17. After a motion is stated by the Speaker or read by the Clerk, it shall be deemed in possession of the House, but it may be withdrawn by the member who made the motion at any time before a vote is taken thereon.

Rule 18. When any motion, bill, or other matters are before the House, it will not be in order to entertain a substitute motion for the passage of a bill, resolution or other matters not before the House.

Rule 19. If the sponsor of a bill is not present on the floor of the House when a bill is reached on the calendar, the bill shall be carried over temporarily. However, a sponsor may designate a member to serve as sponsor in his absence by filing a written statement with the Clerk designating an alternate sponsor.

Rule 20. When a House bill is in position for final passage, an identical Senate bill which is listed on the House calendar may be substituted by a majority vote.

Rule 21. A bill that is in position for final passage may be carried over temporarily at the request of the sponsor.

Rule 22. Any bill temporarily carried over and not brought back up for consideration during the same legislative day in which it was carried over shall resume its regular place on the calendar.

Rule 23. Any bill carried over to a day certain shall appear on the calendar on that day as unfinished business.

Rule 24. A motion to adjourn shall always be in order, even in the absence of a quorum.

Rule 25. The previous question shall be in the following form, and shall be in writing: "I move the previous question."

If demanded by a vote of a three-fifths majority of the members present and voting, its effect shall be to cut off all debate and bring the House to a direct vote, first upon the pending substitutes and/or amendments, if there be any, in their order, and then on the main question.

If the call of the previous question is sustained, the opponents of the bill or resolution shall have the right to speak for not more than a cumulative total of ten minutes before the member having charge of the bill or resolution shall close the debate.

Rule 26. The following are classified as procedural motions and are not subject to substitute motions or debate: to adjourn, to recess, to suspend the rules, to lay on the table, to remove from the table, and the previous question.

Rule 27. The tabling of an amendment or subsidiary motion shall not have the effect of carrying with it the original proposition.

Rule 28. Any member may call for a division of the question when the sense of the proposition will admit it.

Rule 29. If the House is equally divided on a recorded vote, the question shall be lost.

Rule 30. When a vote has been announced by the Speaker--except on a previous question, or on a motion to lay on the table, or to take from the table--it shall be in order for any member who voted with the prevailing side to move for a reconsideration thereof; provided, that the motion is made on the same day, or by filing a written motion with the Clerk within one hour after the House convenes on the succeeding day.

Such motion shall be considered forthwith after disposition of any business then before the House or any business taking precedence thereto, unless by a majority vote the same be fixed for consideration at another time.

When a motion for reconsideration is decided that decision shall not be reconsidered and no question shall be twice reconsidered.

Rule 31. No member shall be permitted to explain his vote after a vote has been ordered upon any question except by unanimous consent.

Rule 32. When taking the yeas and nays the electrical roll call system shall be used.

When the House is ready to vote upon any question requiring a roll call, the Speaker shall announce: "The question is on (as the question may be). Those in favor shall vote 'yea', and those opposed, 'no'. The Clerk will unlock the machine and the members will vote."

The Clerk shall immediately start the vote-recording equipment and when the Speaker has determined that every member has voted, the Clerk shall lock the machine and record the vote; the Speaker shall announce the vote to the House.

No member shall vote for another member, except by unanimous consent; nor shall any person not a member cast a vote for a member.

Rule 33. The members of the House shall vote by recorded vote on any motion to suspend the rules to consider a contested local bill and on any resolution relating to any per diem, expense allowance, mileage or any pay or compensation whatsoever for members of the House.

Rule 34. When any person sitting in the balcony attempts to attract attention of any one on the floor by word, deed or otherwise or when any person in the balcony makes gestures to attract attention from the floor and by his conduct commits any other action deemed by the Speaker or presiding officer to be detrimental to the orderly business of the House, such person shall be ousted from the balcony.

Any member of the House who deems any person guilty of conduct described above may request the Speaker to oust such person from the balcony. If the Speaker does not agree with the member, the member shall be entitled to a vote of the full House.

Rule 35. Any bill providing for or dealing with pari-mutuel betting, gambling or games of chance, any bill providing for or dealing with an environmental issue, and any bill providing for or dealing with inter-county annexation shall be treated as a general bill.

Further, any legislation creating a new pari-mutuel betting or gambling facility, or affecting an existing facility, shall first be assigned to the appropriate local legislation committee, and if receiving a favorable report from said committee, shall then be assigned to an appropriate standing committee.

Rule 36. The following provisions shall apply to resolutions that are provided for in Section C of Section 1 of Act No. 81-889:

(1) The Speaker shall determine the time allowed for debate before calling for a vote.

(2) If the resolution receives the three-fifths majority of the members present and voting required by the Constitution of the State of Alabama, the Clerk shall call the attached bill.

(3) If the resolution is not adopted, the House shall proceed with other business.

(4) These resolutions are subject to motions for reconsideration.

RULES RELATING TO MEMBERS OF THE HOUSE

Rule 37. No member shall absent himself from the sessions of the House, unless he may have leave, be sick, or unable to attend.

Rule 38. No member of the House or any person who has privileges of the floor, except television cameramen, shall be admitted upon the floor of the House while the House is in session unless properly attired.

Minimum standards of dress shall consist of the wearing of a coat and tie by males and the wearing of a suitable dress or an appropriate blouse and skirt or pants suit by females.

Minimum attire for pages shall be the same as for members.

Rule 39. No food shall be consumed on the floor of the House except from 12:00 p.m. to 1:30 p.m. and 6:00 p.m. to 7:30 p.m.

Rule 40. There shall not be any smoking or other use of tobacco on the floor of the House.

Rule 41. No complimentary items, souvenirs, or gifts of food are to be placed or distributed on the floor of the House.

Rule 42. No personal computer printers or typewriters shall be allowed on the floor of the House.

Rule 43. Eleven members shall have power to send for absent members or to move a call of the House, but no call of the House shall be made except on the concurrence of a majority of the members present.

Rule 44. A majority of the House shall be a quorum to transact business. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the House for the purpose of that vote; but when any question is put to the House, and a quorum is not recorded as voting, the Speaker shall, before announcing the vote, instruct the Clerk to record as present a sufficient number of those members physically present in the House to constitute a quorum, though all present are not participating.

Rule 45. Members shall particularly refrain from making personal comments about other members, and no member shall name another member in debate.

Rule 46. When a member desires to speak he shall so indicate by pressing the speak button at his desk and respectfully request recognition from the Speaker.

When a member has been recognized by the Speaker either his microphone shall be activated or he shall be directed to speak from the podium.

Rule 47. No member shall speak more than ten minutes at any one time and no more than twice on the same question without leave of the House, unless he be the mover proposing the matter pending, in which case he shall be permitted to speak in reply.

Rule 48. If a vote is taken viva voce, the names of members shall be called alphabetically and each member shall answer from his seat.

Rule 49. When a vote is taken by ayes and nays and a member who has been absent returns before the question is decided, he shall be privileged to make inquiry of the subject before the House and to record his vote without discussion.

Rule 50. If any member transgresses the rules, in speaking or otherwise, the Speaker shall, or any member may, call him to order, in which case the member called to order shall immediately sit down, unless he is allowed to explain; and the House shall, if appealed to, decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case requires it, he shall be liable to censure.

RULES RELATING TO THE PRESIDING OFFICER

Rule 51. The Speaker shall preserve order and decorum. In doing so:

(1) He may speak to points of order in preference to other members;

(2) He shall decide questions of order, subject to an appeal to the House at the request of any member, which appeal shall be decided without debate.

Provided, however, if the Speaker desires to make an editorial comment concerning the merits of an issue under consideration, he shall rise from the chair for that purpose.

Rule 52. Whenever necessary to provide safety and security for the members and staff, or upon the request of eleven (11) members, the Speaker shall direct the Clerk to clear the fifth floor halls and offices of the State House of all unauthorized persons. Provided, however, a member may authorize the use of his office by any individual(s) of his choosing.

Rule 53. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

Rule 54. The member elected as Speaker Pro Tem shall serve as Speaker in the Speaker's absence and shall have and exercise all the powers and duties of Speaker for the time such member is acting as Speaker.

Rule 55. When two or more members seek recognition at the same time, the Speaker shall name the person who is to speak first and shall direct the location from which the member is to speak.

Rule 56. All questions subject to voice vote shall be distinctly put in this form, viz: "Those in favor (as the question may be) say 'aye'," and after the affirmative voice is expressed, "Those opposed say 'no'." If the Speaker doubts, or if requested by a member and sustained by ten other members before a decision is announced, the members shall vote by recorded vote.

Rule 57. The Speaker shall appoint all committees, unless otherwise directed by the House, and he may designate who shall be chairmen and vice-chairmen.

Rule 58. After the House of Representatives has adjourned sine die at the end of any regular session, the Speaker is hereby authorized to rename the membership of each standing committee. Such constituted standing committees shall take effect at the next regular or special session or at the time of the assignment thereto.

RULES RELATING TO COMMITTEES

Rule 59. The following shall constitute standing committees of the House:

- (1) Rules
- (2) Way and Means
- (3) Judiciary
- (4) State Administration
- (5) Business and Labor
- (6) Health
- (7) Banking
- (8) Insurance
- (9) Education
- (10) Agriculture, Forestry and Natural Resources
- (11) Public Welfare
- (12) Constitution and Elections
- (13) Commerce, Transportation and Utilities
- (14) Industrial Development and Economic Growth
- (15) Local Government
- (16) Military Affairs
- (17) Highway Safety
- (18) Small Business
- (19) Oil and Gas
- (20) Tourism, Entertainment and Sports
- (21) Navigation and Waterways
- (22) Local Legislation No. 1

(23) Local Legislation No. 2

(24) Local Legislation No. 3

(25) Local Legislation No. 4

(26) Local Legislation No. 5

(27) Local Legislation No. 6

(28) Local Legislation No. 7

(29) Local Legislation No. 8

Rule 60. No committee shall meet when the House is in session without special permission.

Rule 61. Upon a vote of a majority of the whole House any standing committee may be directed to act (either favorably or unfavorably at the committee's discretion) on any bill which shall have been referred to such committee, and to report the same to the House at its next sitting. Provided, that one day's notice in writing shall have been given to the House during the call of the districts.

Rule 62. When the chairman of a committee is absent, the vice-chairman, if any, if not the member whose name appears next on the committee, shall, during the absence of the chairman, become chairman, and have power to call together the committee for the consideration of bills. A majority of the committee shall constitute a quorum for the transaction of business.

Rule 63. A majority of the members of a committee may call a meeting of the committee at any time by giving each member a minimum of two legislative days' notice and by posting on the notice boards a notice of such meeting at least two legislative days in advance of the time set for the meeting. Such notice shall give the date, place and time of the meeting, shall be signed by each of the members so calling the meeting and the total number so signing shall be at least a majority of the whole membership of the committee.

Rule 64. A committee may not take action on a bill except when said committee is in session, and this provision may not be waived by a majority signing petitions or other procedural documents.

Rule 65. The chairman of any House standing committee, excepting the Committee on Rules and Committees on Local Legislation, shall give notice in writing to the members of said committee at least four hours prior to the meeting; and such notice shall include a listing by number of all bills to be considered at said meeting. Notice shall be accomplished (1) by placing said notice in the committee members' mailboxes and (2) by posting said notice on the notice boards.

Rule 66. No House standing committee can meet and take action on any bill assigned to it on the same calendar day said bill is assigned to it, except committees on local legislation.

Rule 67. The chairman of a House standing committee shall honor a written request for a public hearing on a bill if such request is received by the chairman prior to the posting of the notice of the committee meeting at which the bill is to be considered.

Rule 68. The chairman of the House standing Committee on Local Legislation No. 1 shall be authorized to report any bill out of that Committee without meeting of that Committee if he has the unanimous consent of all House members whose districts are affected by the proposed legislation.

Rule 69. All resolutions shall be referred to and reported from the Committee on Rules before they are voted on.

Rule 70. Every bill the principal purpose of which is to make an appropriation from state revenue shall be referred to the Committee on Ways and Means before being placed on the calendar.

Rule 71. The rules of procedure in the House shall be observed in Committees as far as they may be applicable and cannot be suspended by a Committee. Provided, that Rule 31 and the previous question rule shall not be applicable.

Rule 72. The chairman of a House standing committee shall take a recorded vote on any motion if requested by a committee member and sustained by one additional committee member.

Rule 73. All bills that increase state retirement benefits or add to any existing state retirement fund a group or individual who is not currently covered by existing law must be accompanied by a bill of which the principal purpose is to raise revenue to meet the additional expenses in the retirement program; such bill raising revenue must be passed before the retirement benefit bill is passed.

RULES RELATING TO THE CLERK AND THE JOURNAL

Rule 74. The name of a member who introduces a bill or joint resolution shall be by him endorsed upon the same, and shall be inscribed by the Clerk upon the engrossed and enrolled copies when transmitted to the Senate or the Governor.

Rule 75. The Clerk shall, upon introduction of a bill, immediately make a photo copy to be designated as a second official copy and to be used as a replacement in the event the original bill is lost, misplaced or destroyed.

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Rule 76. When a bill passes it shall be certified by the Clerk, who shall note the date of its passage at the foot thereof.

Rule 77. Communications from the House of Representatives to the Senate shall be under the signature of the Clerk. When House Bills are signed by the Speaker, the Clerk must by message notify the Senate and request the signature of the President.

Rule 78. All bills acted upon by the committees shall be endorsed as follows:

This bill having been referred by the House to its Standing Committee on _____ was acted upon by such committee in session and returned therefrom to the House with the recommendation that it be passed.

Rule 79. The Clerk shall furnish to the members daily a printed calendar of all bills and resolutions on third reading, which bills and resolutions shall be arranged in the order in which they are entitled to consideration.

Rule 80. Any member may have a bill photo copied upon the filing of a request with the Clerk.

Rule 81. Every bill making an appropriation from the state treasury or increasing or decreasing state revenue shall, before any vote is taken thereon by a committee, have endorsed thereon or attached thereto a fiscal note prepared by a legislative fiscal officer estimating the amount of money involved, and the anticipated increase or decrease in public spending or the increase or decrease in revenue collections under the provisions of the bill. Said fiscal note shall be printed on the calendar of bills on third reading following the title of the bill.

Rule 82. There shall be printed on the calendar of bills on third reading, immediately following the title of every bill which would amend a section or part of the Code by reference to its number only, a brief statement of the general subject to which such section or part of the Code relates.

Rule 83. Whenever the House calendar contains more than twenty-five pages, either the first or last page thereof shall have printed thereon a numerical list of all House bills and all Senate bills on the day's calendar with the number of the page on which the bill appears printed opposite the number of the bill.

Rule 84. The Clerk shall appoint a Reading Clerk for the House.

Rule 85. Whenever a resolution or a substitute to a bill or resolution is not adopted, it shall be printed in the journal by title only.

Rule 86. Whenever the office of Clerk is vacant, the Assistant Clerk shall perform all of the duties of the Clerk as provided in these rules and by statute.

Rule 87. Rules shall be enforced either by the Speaker or by the Clerk, as appropriate.

Rule 88. On all matters not specifically addressed in these rules, Mason's Manual of Legislative Procedure, 1989 Edition, shall apply.

MOTION TO ADOPT OFFERED

Representative Hammett offered the motion to adopt the resolution, H.R. 10.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to notify the House that the Senate has perfected its organization by the elections of the following officers:

President Pro Tempore: Michael Figures

Assistant Secretary of the Senate: David Patrick Harris

and is now ready for the transaction of public business.

McDOWELL LEE
Secretary

H.R. 10 RESUMED

AMENDMENT OFFERED

Representative Layson offered the following amendment to the resolution, H.R. 10:

In Rule 40, page 15, line 8, add the following after the word "House": or in the halls of the fifth floor of the Statehouse

MOTION TO TABLE LOST

The motion offered by Representative Page to table the amendment offered by Representative Layson to the resolution, H.R. 10, was lost.

Yeas 17; Nays 52.

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Yea:

Representatives Allen, Burke, Buskey, Clark (W), Gaines, Gipson, Hall (A), Hogan, Jorgensen, Maull, McMillan, Page, Penry, Thomas (J), Turner, Vance and Warren.

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Nay:

Representatives Black (M), Box, Carns, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Fuller, Galliher, Graham, Guin, Hall (L), Haney, Hawk, Hill, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderford, Sanderson, Smith, Starkey, Townsend, Turnham, Venable, Willis and Wren.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Layson to the resolution, H.R. 10, and the amendment was adopted.

Yeas 63; Nays 13.

Yea:

Representatives Black (M), Box, Carns, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrow, Morton, Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Burke, Buskey, Gaines, Hall (A), Hinshaw, Johnson (E), Jorgensen, Letson, McClammy, Mitchell, Murphree, Page and Penry.

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AMENDMENT OFFERED

Representative Hall (L) offered the following amendment to the resolution, H.R. 10, as amended:

On page 2, lines 17-18, delete the language, "The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate."

AMENDMENT TABLED

On motion of Representative Turner, the amendment offered by Representative Hall (L) to the resolution, H.R. 10, as amended, was tabled.

Yeas 72; Nays 26.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Black (L), Buskey, Carns, Clark (W), Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Payne, Perdue, Petelos, Rogers (J) and Thomas (J).

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AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the resolution, H.R. 10, as amended:

"To amend the General Rules of Order and Procedure on page 8 by deleting lines 22 through 27 in their entirety.

Further to amend the General Rules of Order and Procedure on page 9 by deleting lines 1 through 8 in their entirety.

Further amend the General Rules of Order and Procedure by renumbering succeeding sections accordingly."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Rogers (J) to the resolution, H.R. 10, as amended, was tabled.

Yeas 84; Nays 12.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Black (L), Hall (L), Hilliard, Holmes, Houston, Johnson (E), Knight (J), Maull, McClammy, Minnifield, Mitchell and Rogers (J).

-12

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment to the resolution, H.R. 10, as amended:

In Rule 45, page 16, line 8, delete the word "in" and add the following after the word "member": or use profanity in comments or

AMENDMENT ADOPTED

And the amendment was adopted.

AMENDMENT OFFERED

Representative Melton offered the following amendment to the resolution, H.R. 10, as amended:

To amend the General Rules of Order and Procedure on page 2 line 19 by striking the period and adding the following: "and by a vote of two-thirds majority of the members present and voting."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Melton to the resolution, H.R. 10, as amended, was tabled.

Yeas 74; Nays 27.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hill, Hinshaw, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Crigler, Dolbare, Hall (L), Hayden, Hilliard, Holmes, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Payne, Perdue, Reed, Rogers (J), Seibenhener and Thomas (J).

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AMENDMENT OFFERED

Representative Hogan offered the following amendment to the resolution, H.R. 10, as amended:

In Rule 35, page 13, line 11, delete the language "an environmental issue", and insert the language previously stricken through as follow: hazardous waste

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Hogan to the resolution, H.R. 10, as amended, was tabled.

Yeas 41; Nays 39.

Yea:

Mr. Speaker, Carns, Clouse, Dukes, Flowers, Gaines, Gipson, Graham, Hammett, Haney, Hawk, Hill, Hinshaw, Hooper, Johnson (E), Knight (A), Knight (J), Laird, Layson, McDaniel, McKee, Melton, Mitchell, Moore, Morton, Page, Papucci, Parker (P), Payne, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Wren.

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Nay:

Representatives Allen, Black (L), Box, Burke, Buskey, Carothers, Carter, Crigler, Curry, Dean, Drake, Fuller, Galliher, Guin, Hall (L), Hayden, Hilliard, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Letson, McMillan, Minnifield, Morrison, Morrow, Murphree, Newton (C), Parker (T), Penry, Perdue, Petelos, Pringle, Robinson, Sanderson, Seibenhener, Thomas (J) and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Boyd intended to vote "Nay" on the motion offered by Representative Turner to table the amendment offered by Representative Hall (L) to the resolution, H.R. 10, as amended.

AMENDMENT OFFERED

Representative Payne offered the following amendment to the resolution, H.R. 10, as amended:

To amend the General Rules of Order and Procedure of the Alabama House of Representatives by striking on page 2 lines 17 through 21 in their entirety and inserting the following: "cause the journal of the preceding day to be read."

Further amend the General Rules and Procedure by removing on page 3 the striking on lines 9 and 10 and by renumbering accordingly.

Further amend the General Rules and Procedure by adding on page 3 after the period on line 10 the following: "The reading of the journal, however, may be dispensed with by a vote of three-fifths majority of the members present and voting."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Payne to the resolution, H.R. 10, as amended, was tabled.

Yeas 53; Nays 36.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Hill, Hinshaw, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Rogers (M), Sanderford, Sims, Smith, Starkey, Turner, Turnham, Vance, Venable, Warren and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Carns, Clark (W), Dolbare, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, McKee, McMillan, Melton, Mitchell, Newton (D), Payne, Perdue, Petelos, Reed, Robinson, Seibenhener, Spratt, Thomas (D), Thomas (J), Townsend and Willis.

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RESOLUTION ADOPTED

And the resolution, H.R. 10, as amended, was adopted.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Wednesday, January 11, 1995, and the motion was adopted.

RESOLUTIONS

The following resolution was introduced:

Representatives Starkey, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 11. COMMENDING THE UNIVERSITY OF NORTH ALABAMA FOOTBALL TEAM FOR WINNING A SECOND CONSECUTIVE NATIONAL CHAMPIONSHIP.

WHEREAS, this Legislature notes with pride and admiration the second consecutive national football championship claimed by the University of North Alabama; and

WHEREAS, U.N.A. accomplished the most difficult challenge in sports: successfully defending a national championship, by defeating Texas A&M-Kingsville 16-10 in the championship game at Braly Stadium in Florence, Alabama, in front of a sell-out crowd and a national television audience on ESPN2; and

WHEREAS, the Lions are only the third school in the 22-year history of the NCAA Division II play-offs to earn back-to-back football championships, the team possesses the best overall record in Division II over the last three years at 34-5-1, are only the second school to win 27 games in two years, carry a 27-game winning streak against Division II opponents, a 17-game winning streak at Braly Stadium, a 14-game Gulf South Conference winning streak, a 13-game winning streak against nationally ranked Division II opponents, and an eight-game play-off winning streak--startling statistics that signal this football powerhouse may be on the verge of becoming a football dynasty; and

WHEREAS, this remarkable repeat feat displays the technical and inspirational skills of Head Coach Bobby Wallace, who was named national Coach of the Year for the second straight year, the talent and tenacity of his staff, and the dedication and desire of the players; and

WHEREAS, the University of North Alabama became the first school in the history of the NCAA on any level to have claimed two national championships in both football and basketball, athletic achievements for which the students, staff, graduates, and followers of U.N.A. and indeed all citizens of this state are properly proud; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly honor and sincerely congratulate the University of North Alabama Football Team on its championship season.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Administration of the University of North Alabama and Coach Wallace for appropriate presentation and school display.

On motion of Representative Starkey, the rules were suspended and the resolution, H.J.R. 11, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

Representatives Hall (A), Hinshaw, Papucci, Sanderford, Haney, Jorgensen, Hall (L), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 12. RECOGNIZING SENATOR DEWAYNE FREEMAN OF HUNTSVILLE, ALABAMA, FOR DISTINGUISHED SERVICE TO THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA.

Also:

By Representatives Hall (A), Hinshaw, Papucci, Sanderford, Haney, Jorgensen and Hall (L):

H.R. 13. RECOGNIZING SENATOR TOM BUTLER OF MADISON, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

Representatives Hall (A), Hinshaw, Papucci, Sanderford, Haney, Jorgensen, Hall (L), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines,

Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 14. RECOGNIZING JAMES P. SMITH OF HUNTSVILLE, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

By Representatives Hall (A), Hinshaw, Papucci, Sanderford, Haney and Jorgensen:

H.R. 15. RECOGNIZING BILL G. SMITH OF HUNTSVILLE, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

The following resolutions were introduced:

By Representative Newton (C):

H.J.R. 16. COMMENDING THE GREENVILLE HIGH SCHOOL TIGERS ON WINNING THE 1994 STATE 5A FOOTBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature is greatly pleased to congratulate the Greenville High School Tigers as Alabama's 1994 State 5A Football Champions; and

WHEREAS, the Greenville Tigers were directed by the talented leadership of Head Coach Gene Allen, ably assisted by Coaches Steve Allen, Jerome Antone, Ronnie Faulk, Danny Foster, Russell McCarty, Raymond Phillips, and Tony Stonicher; and

WHEREAS, the Greenville Tigers, who were runners-up in the 1993 season and vowed to make 1994 a championship year, fulfilled the vow by defeating Homewood 28-14 in the 1994 championship game and posting a magnificent 13-1 record for the year; and

WHEREAS, under Coach Gene Allen's leadership since 1991, the Tigers have become a powerhouse in 5A football, and the teams have enjoyed support from the student body, cheerleaders, band, and countless fans; and

WHEREAS, the mighty Tigers averaged 25.5 points per game and allowed only 10.3 points per game by the opponents; outscored five play-off opponents 108 to 48; held their opponents to less than 14 points in eight games; and scored 27 points or more in eight games, while limiting their opponents to less than 14 points; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend Coach Gene Allen, his staff, and the Greenville High School Tigers on the 1994 State Class 5A Football Championship, and direct that copies of this resolution be forwarded to principal Roger Speed for appropriate presentation and school display.

On motion of Representative Newton (C), the rules were suspended and the resolution, H.J.R. 16, was adopted.

Also:

Representatives Hooper, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 17. COMMENDING NANCY KNIGHTEN FORRESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEGISLATURE AND TO THE STATE OF ALABAMA.

WHEREAS, it is with sincere regret that the Legislature of Alabama has learned of the forthcoming retirement, February 1, 1995, of Nancy Knighten Forrester following her many years of exemplary service to the Alabama Legislature and the State of Alabama since 1977; and

WHEREAS, Nancy Knighten Forrester, a native of Montgomery, Alabama, attended Sidney Lanier High School and Rhodes College in Memphis, Tennessee, and received her B.S. degree from the University of North Carolina in Chapel Hill; and

WHEREAS, over the course of her career as the Royal Writ Writer of Legislative Reference Service, Nancy has consoled, congratulated and honored literally thousands of citizens across our state with her special style and flair, and her resolutions have come to be greatly desired and sought after by members of both the House and Senate; and

WHEREAS, the Alabama House of Representatives each year most particularly looks forward with anticipation to the presentation of the infamous Shroud Award in which she wittily, and a shade irreverently, conveys last rites to the dearest legislation of the session while commiserating with its surviving sponsor; and

WHEREAS, over the years, Nancy's commitment to excellence; tireless dedication to the task at hand; her wisdom and keen wit; and, of course, her unparalleled skill and unique talent with the written word have earned the highest regard and admiration of legislators, associates and co-workers alike; and she will be greatly missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply indebted to Nancy Knighten Forrester and convey our deepest gratitude and appreciation for her many years of extraordinary and devoted service to Legislative Reference Service and the State of Alabama.

RESOLVED FURTHER, That we wish Nancy and her husband, and our friend, Tharpe Forrester, health, happiness, and many pleasurable hours shared with their family and the world's greatest grandchildren, Katie and Will; and it is further directed that she receive a copy of this resolution as an expression of our appreciation, friendship and highest personal regard.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 17, was adopted.

ADJOURNMENT

On motion offered by Representative Page, the House adjourned until 10:00 o'clock a.m., Wednesday, January 11, 1995.

Yeas 39; Nays 21.

Yea:

Representatives Burke, Clouse, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hawk, Hogan, Hooper, Johnson (E), Jorgensen, Laird, Lindsey, McKee, McMillan, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Pringle, Robinson, Sanderford, Starkey, Turner, Turnham, Vance, Venable and Willis.

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Nay:

Representatives Black (M), Collins, Hall (A), Haney, Hilliard, Holmes, Houston, Knight (A), Knight (J), Letson, McAdory, McClammy, Minnifield, Mitchell, Morrison, Petelos, Rogers (J), Sanderson, Seibenhener, Smith and Spratt.

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SECOND DAY

**House of Representatives
Montgomery, Alabama
Wednesday, January 11, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend John Nettles, Mount Olive Baptist Church, Anniston, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Heather Cartee, Junior, Phil Johnson School, Phil Campbell, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

LEAVE OF ABSENCE

At the request of Representative Carter, leave of absence was granted for Representative Hawkins.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with.

MOTION TO RECESS ADOPTED

The motion offered by Representative Carter that the House recess at 10:15 o'clock a.m. for the purpose of a Joint Session was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 6. CREATING A LEGISLATIVE PARKING COMMITTEE

The President Pro Tempore and Presiding Officer of the Senate appointed as members on part of the Senate, Senators: Freeman, Chairman; Biddle, and Bailey.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 11. COMMENDING THE UNIVERSITY OF NORTH ALABAMA FOOTBALL TEAM FOR WINNING A SECOND CONSECUTIVE NATIONAL CHAMPIONSHIP.

Also:

H.J.R. 16. COMMENDING THE GREENVILLE HIGH SCHOOL TIGERS ON WINNING THE 1994 STATE 5A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 17. COMMENDING NANCY KNIGHTEN FORRESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEGISLATURE AND TO THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

The President Pro Tempore and Presiding Officer of the Senate appointed as members on part of the Senate, Senators: Myers, Smitherman, and Bailey.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 8. RELATIVE TO JOINT SESSION.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 3. COMMENDING JAMES M. CAMPBELL OF ANNISTON, ALABAMA.

Also:

H.J.R. 4. BINDING OF ACTS AND JOURNALS

Also:

H.J.R. 7. RELATIVE TO MEETING DAYS

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representative Holmes:

H.J.R. 18. URGING ENACTMENT OF LEGISLATION PROVIDING THAT NO MEMBER OF THE LEGISLATURE SHALL ACCEPT CAMPAIGN CONTRIBUTIONS PRIOR TO ONE YEAR PRECEDING A PRIMARY OR GENERAL ELECTION.

RECESS

Pursuant to the motion previously offered by Representative Carter, heretofore adopted, the House recessed until 10:30 o'clock a.m.

JOINT SESSION

The hour of 10:30 o'clock a.m. having arrived and pursuant to the resolution, H.J.R. 8, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of witnessing the opening and publishing of the returns of the election of the constitutional officers of the State of Alabama at the General Election held on November 8, 1994, as required by Section 115 of the Constitution of Alabama.

The Joint Session was called to order by the Honorable Michael Figures, President Pro Tempore and Presiding Officer of the Senate.

ELECTION RETURNS

STATE OF ALABAMA

I, Jim Bennett, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that pursuant to the Code of Alabama, 1975, as amended, I, Jim Bennett, Secretary of State of the State of Alabama, do hereby certify that the results of the General Election held in Alabama on November 8, 1994, were opened and counted and that the results so tabulated are attached hereto:

For Governor -

Jim Folsom		
Alabama Democratic Party	received	594,169
Fob James, Jr.		
Alabama Republican Party	received	604,926
Write-in Votes		2,874

For Lieutenant Governor -

Don Siegelman		
Alabama Democratic Party	received	732,285
Charlie Graddick		
Alabama Republican Party	received	442,707
Write-in Votes		2,009

For United States Representative First Congressional District -

Don Womack		
Alabama Democratic Party	received	50,227
H. L. "Sonny" Callahan		
Alabama Republican Party	received	103,431
Write-in Votes		109

For United States Representative Second Congressional District -

ORGANIZATIONAL SESSION
2nd Day

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Brian Dowling		
Alabama Democratic Party	received	44,694
Terry Everett		
Alabama Republican Party	received	124,465
Write-in Votes		54
For United States Representative Third Congressional District -		
Glen Browder		
Alabama Democratic Party	received	93,924
Ben Hand		
Alabama Republican Party	received	53,757
Write-in Votes		64
For United States Representative Fourth Congressional District -		
Tom Beville		
Alabama Democratic Party	received	119,436
Write-in Votes		1,826
For United States Representative Fifth Congressional District		
Bud Cramer		
Alabama Democratic Party	received	88,693
Wayne Parker		
Alabama Republican Party	received	86,923
Write-in Votes		77
For United States Representative Sixth Congressional District		
Larry Fortenberry		
Alabama Democratic Party	received	41,030
Spencer Bachus		
Alabama Republican Party	received	155,047
Write-in Votes		145

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For United States Representative
Seventh Congressional District -

Earl F. Hilliard		
Alabama Democratic Party	received	116,150
Alfred J. Middleton, Sr.		
Alabama Republican Party	received	34,814
Write-in Votes		153

For Attorney General -

Jimmy Evans		
Alabama Democratic Party	received	505,137
Jeff Sessions		
Alabama Republican Party	received	666,910
Write-in Votes		660

For Secretary of State

Jim Bennett		
Alabama Democratic Party	received	572,367
Vickie W. Gavin		
Alabama Republican Party	received	500,552
Write-in Votes		407

For State Auditor -

Charley Baker		
Alabama Democratic Party	received	518,212
Patsy "Pat" Duncan		
Alabama Republican Party	received	539,930
Write-in Votes		4,176

For Commissioner of Agriculture and Industry

A. W. Todd		
Alabama Democratic Party	received	541,850
Jack Thompson		
Alabama Republican Party	received	566,529

**ORGANIZATIONAL SESSION
2nd Day**

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Write-in Votes 592

For Public Service Commission
Place 1 -

Jan Cook		
Alabama Democratic Party	received	557,752

Lee Helms		
Alabama Republican Party	received	537,277

Write-in Votes 385

For Public Service Commissioner
Place 2 -

Charles B. Martin		
Alabama Democratic Party	received	666,822

Write-in Votes 5,627

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

January 10, 1995

JIM BENNETT
Secretary of State

The President Pro Tempore and President Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

H.J.R. 18 RESUMED

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Holmes offered the motion to suspend the rules and adopt the resolution, H.J.R. 18.

DIVISION OF THE QUESTION

Representative Turner called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Holmes to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 18, and the motion was lost.

Yeas 30; Nays 60.

Yea:

Representatives Bandy, Box, Boyd, Buskey, Carns, Clark (W), Gaston, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrow, Newton (D), Payne, Perdue, Rogers (J), Smith, Spratt, Warren and White.

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Nay:

Mr. Speaker, Allen, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hill, Hinshaw, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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The resolution, H.J.R. 18, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 9. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE
LEGISLATURE OF ALABAMA FOR 1995.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the House non-concurred in the Senate amendment to the resolution, H.J.R. 9, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

Amend H.J.R. 9 on page 3 by deleting lines 1 through 8 and inserting in lieu thereof:

8. "The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer. In aid of the reference work required by law to be done for members of the Legislature the privileges of the floor of both houses are accorded the Director of the Alabama Law Institute, and the Chief Examiner of the Department of Examiners of Public Accounts when requested by member."

Amend H.J.R. 9 on page 6, line 16 by deleting the word "They" and substituting in lieu thereof the following: "The house of origin".

Amend Joint Rules of the Two Houses of the Legislature on page 8, on line 18 by inserting the following new rule and renumbering all subsequent rules accordingly:

"17. The Legislative Fiscal Office shall prepare and provide to all members of the Legislature a report of all changes (word and number) in a conference committee report on any appropriation bill from the bill as passed in the respective house of the Legislature."

Amend Joint Rules of the Two Houses of the Legislature on page 8, on line 18 by inserting the following new rule and renumbering all subsequent rules accordingly:

"17. The House and Senate shall recess for a minimum of one (1) week after the second legislative day for the purpose of joint hearings of the House Ways and Means Committee, the Senate Committee on Finance and Taxation General Fund, the Senate Committee on Finance and Taxation Education and the Senate Committee on Fiscal Responsibility and Accountability on the proposed budgets." Budget information will be available for every member of the Legislature whether the member is a member of the above stated committees or not.

In Rule 20, page 9, line 23, add the following at the end of the line: No registered lobbyist shall circulate a cloture petition or circulate a bill for the signing of co-sponsors.

Amend Joint Rule 16 relating to committees as follows:

On Page 6, Line 3, after the number "16." add: (a)

On Page 8, Line 29, add the following additional subsection (b):

(b) Notice of meetings of conference committees shall be posted at least one hour prior to the meeting in the same manner as posting of notice of standing committee meetings.

Amend the Joint Rules on page 10 after line 25 by inserting the following new rule and renumbering all subsequent rules accordingly:

"23. Nothing contained in the rules concerning lobbying shall in any way violate or attempt to violate the freedoms, including the freedom of speech, contained in the Constitution of the United States or the Constitution of Alabama. Any provisions of these rules which violate this section shall be void ab initio."

On Page 8, Line 18, add the following new underlined Rule 17 relating to appropriations:

17. Every bill making an appropriation, except the General Appropriations Bill and the Education Appropriation Bill, shall clearly stipulate in the bill's title the amount and the source from which the appropriation is to be made.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 6. CREATING A LEGISLATIVE PARKING COMMITTEE

Also:

H.J.R. 11. COMMENDING THE UNIVERSITY OF NORTH ALABAMA FOOTBALL TEAM FOR WINNING A SECOND CONSECUTIVE NATIONAL CHAMPIONSHIP.

Also:

H.J.R. 16. COMMENDING THE GREENVILLE HIGH SCHOOL TIGERS ON WINNING THE 1994 STATE 5A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 17. COMMENDING NANCY KNIGHTEN FORRESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEGISLATURE AND TO THE STATE OF ALABAMA.

Also:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

Also:

H.J.R. 3. COMMENDING JAMES M. CAMPBELL OF ANNISTON, ALABAMA.

Also:

H.J.R. 4. BINDING OF ACTS AND JOURNALS

Also:

H.J.R. 7. RELATIVE TO MEETING DAYS

Also:

H.J.R. 8. RELATIVE TO JOINT SESSION.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representative Carns:

H.J.R. 19. RECOGNIZING MRS. LINDA MENDEL OF MOUNTAIN BROOK, ALABAMA.

WHEREAS, it is with special tribute that Mrs. Linda Mendel of Mountain Brook is recognized for her many years of dedicated service to the Mountain Brook School System and to Alabama's youth; and

WHEREAS, for the past nineteen years, Linda Mendel, a parent of school age children, has given generously and unselfishly of her time and energy as a full-time volunteer for the Mountain Brook educational system; and

WHEREAS, Linda Mendel has served in many capacities and positions since she began as a volunteer at Cherokee Bend Elementary School close to twenty years ago; she has acted as chaperone; transported students to and from out-of-town events; and worked in the office, library, classroom, or wherever she was needed; and

WHEREAS, also, realizing a need to recognize students who might not otherwise be noticed or remembered, she took up photography as a hobby and began taking photographs of students as they participated in various activities associated with elementary, junior high and senior high school events and giving them to the students or their parents; and

WHEREAS, yet in another act of generosity, Mrs. Mendel holds open house during Christmas for all the active workers, teachers, students and parents in the area; and

WHEREAS, Linda Mendel is indeed deserving of public recognition for her contributions as a volunteer with the Mountain Brook School System and for her many personal efforts and endeavors on behalf of its students, which are immeasurable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That highest commendation is hereby accorded Mrs. Linda Mendel of Mountain Brook, Alabama, for whom a copy of this resolution shall be provided as an expression of sincere tribute and esteem.

On motion of Representative Carns, the rules were suspended and the resolution, H.J.R. 19, was adopted.

Also:

By Representative Sanderford:

H.J.R. 20. INVITING GENERAL CARL MUNDY, COMMANDANT OF THE UNITED STATES MARINE CORPS, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Sanderford offered the motion to suspend the rules and adopt the resolution, H.J.R. 20.

DIVISION OF THE QUESTION

Representative Turner called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Sanderford to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 20, and the motion was lost, lacking a four-fifths vote.

Yeas 45; Nays 20.

Yea:

Representatives Allen, Bandy, Black (L), Boyd, Burke, Buskey, Carns, Clouse, Curry, Dukes, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hill, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), McAdory, McClammy, McDaniel, McKee, Millican, Morrison, Morrow, Morton, Papucci, Payne, Petelos, Reed, Sanderford, Spratt, Starkey, Townsend, Vance, White and Wren.

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Nay:

Representatives Crigler, Dean, Ford, Fuller, Galliher, Hayden, Hilliard, Jackson, Maull, McMillan, Mitchell, Murphree, Page, Penry, Perdue, Rogers (M), Sims, Turner, Turnham and Warren.

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The resolution, H.J.R. 20, was read and referred to the Standing Committee on Rules.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Venable, Hammett and Knight (J) on the disagreement of the two Houses on the Senate amendment to the resolution, H.J.R. 9.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 21. COMMENDING DR. HAROLD G. DICKERSON.

Also:

By Representative Hall (L):

H.R. 22. COMMENDING WILBERT BROWN OF HUNTSVILLE, ALABAMA, AS ALPHA PHI ALPHA FRATERNITY, INC., ALUMNI BROTHER OF THE YEAR FOR 1994.

Also:

By Representative Hall (L):

H.R. 23. COMMENDING THE DELTA THETA LAMBDA CHAPTER (HUNTSVILLE) OF THE ALPHA PHI ALPHA FRATERNITY, INCORPORATED.

Also:

The following resolution was introduced:

By Representatives Hill and Knight (A):

H.J.R. 24. COMMENDING FRANK CORLEY ELLIS, JR., OF COLUMBIANA, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, as a member of the Alabama Senate for the past 12 years since 1982, Frank Corley "Butch" Ellis, Jr., of Columbiana has rendered invaluable service to the Legislature in the best interests of his constituents and to the common good and well-being of all Alabamians; and

WHEREAS, over the course of his distinguished tenure, Butch Ellis most ably served numerous standing committee assignments, including Chairmanship of the Senate Judiciary/Criminal Justice Committee, Agriculture, Conservation and Forestry Committee, and Fish and Game Sub-Committee, and as Senate Floor Leader for Governor Guy Hunt, among others; and

WHEREAS, Butch Ellis, engaged in the private practice of law since 1964, has also served as County Attorney of the Shelby County Commission for thirty years; as City Attorney for the Cities of Pelham, Helena, and Wilton; and as General Counsel for Shelby Medical Center, as well; and

WHEREAS, he has further provided immeasurable leadership and support to countless civic, service, and professional organizations in such capacities as Chairman of the University of Montevallo Board of Trustees, a member of the Rotary Club, American Bar Association, Alabama Bar Association, and as a member and past President of the Shelby County Bar Association; and

WHEREAS, Butch Ellis and his devoted wife, Diane, are the proud parents of three children, Kelly Ellis Mooney, Christy Lynn Ellis, and Frank Corley Ellis, III, and the grandparents of a very special grandson, Clint; and

WHEREAS, Butch Ellis is indeed one of Alabama's most distinguished public servants, whose leadership and accomplishments have earned the highest regard of his friends and colleagues, and most particularly of the Shelby County Legislative Delegation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful acknowledgement of outstanding leadership and service to the Alabama Legislature and the state, we hereby most highly commend Frank Corley "Butch" Ellis, Jr., for whom a copy of this resolution of sincere tribute and esteem shall be provided.

On motion of Representative Hill, the rules were suspended and the resolution, H.J.R. 24, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Hill and Knight (A):

H.R. 25. COMMENDING FRANK CORLEY ELLIS, JR., OF COLUMBIANA, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

The following resolutions were introduced:

By Representative Gipson:

H.J.R. 26. COMMENDING FRED JENSEN AS OUTSTANDING COACH OF FORMER AUTAUGA COUNTY HIGH SCHOOL.

WHEREAS, the Alabama Legislature with highest commendation and heartiest congratulations notes the Stanley-Jensen Stadium dedication on December 11, 1994, in Prattville, Alabama, that recognized the outstanding accomplishments of Fred Jensen who coached at the former Autauga County High School, from 1946 until 1957; and

WHEREAS, Coach Jensen compiled an outstanding record of 63 wins, 38 losses, and 7 ties during his career at Autauga High School that included the school's historic streak of 22 consecutive wins and two consecutive undefeated teams--a record not to be equaled since Coach Jensen's spectacular feat in 1950; and

WHEREAS, Fred Jensen, a native of Grove Hill and a graduate of Clarke County High School, attended Birmingham-Southern College on a football scholarship, was held in high esteem by his players over the years because of his devotion to them and astute leadership; and

WHEREAS, in addition to the enviable record of 22 consecutive wins in football, Coach Jensen also coached the "Prattville Lions" baseball and basketball teams, and the community, because of their high admiration for him, designated the Stanley-Jensen Stadium in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Fred Jensen on his distinctive leadership and record at former Autauga County High School and, as a token of our high regard for him, direct that he be provided with a copy of this resolution.

On motion of Representative Gipson, the rules were suspended and the resolution, H.J.R. 26, was adopted.

Also:

By Representative Box:

H.R. 27. URGING THE U.S. CONGRESS TO ADOPT AN AMENDMENT TO THE U.S. CONSTITUTION REQUIRING BOTH A BALANCED FEDERAL BUDGET AND PROHIBITING UNFUNDED STATE MANDATES.

WHEREAS, with each passing year, this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues; and

WHEREAS, as the federal debt grows, the stability of our national and world economy weakens, and the burden placed on future generations of Americans become more onerous; and

WHEREAS, conjunctively with a required balancing of the federal budget is a necessary prohibition against the imposition of unfunded federal mandates and other cost reallocation to the several states; and

WHEREAS, believing that fiscal uncertainties at the federal level is the greatest threat that our nation faces, and cognizant that statutory budget balancing remedies have failed, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Legislature urges the United States Congress to adopt an amendment to the United States Constitution which both requires the balancing of the federal budget and prohibits transferring the costs and burdens of federal responsibilities and inclinations to the states by unfunded mandates or similar means.

BE IT FURTHER RESOLVED, that certified copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and to every member of the State's Congressional Delegation.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Box offered the motion to suspend the rules and adopt the resolution, H.R. 27.

DIVISION OF THE QUESTION

Representative Holmes called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Box to suspend the rules in order to take up for immediate consideration the resolution, H.R. 27, and the motion was adopted.

MOTION TO ADOPT

The question was then on the motion offered by Representative Box to adopt the resolution, H.R. 27.

ADJOURNMENT

On motion of Representative McMillan, the House adjourned until 10:00 o'clock a.m., Tuesday, January 17, 1995.

EIGHTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, January 17, 1995**

(The House was not in session on the Third through the Seventh Days.)

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Dr. Noel Walker, Director, Autauga Baptist Association.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Neal Morrison.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

LEAVE OF ABSENCE

At the request of Representative Clark (J), leave of absence was granted for Representative Hawkins.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with.

INTRODUCTION OF RESOLUTIONS

The Speaker called the Districts in order for the Introduction of Resolutions.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 28. MOURNING THE DEATH OF C.M. "COY" JACKSON OF ANDALUSIA, ALABAMA.

Also:

By Representative Hammett:

H.R. 29. MOURNING THE DEATH OF DAVE HUDDLESTON OF ANDALUSIA, ALABAMA.

H.R. 27 AGAIN TAKEN UP

And the resolution:

H.R. 27. URGING THE U.S. CONGRESS TO ADOPT AN AMENDMENT TO THE U.S. CONSTITUTION REQUIRING BOTH A BALANCED FEDERAL BUDGET AND PROHIBITING UNFUNDED STATE MANDATES.

and the motion offered by Representative Box on the second legislative day to adopt the resolution, H.R. 27, were again taken up.

RESOLUTION ADOPTED

The question was then on the motion offered by Representative Box to adopt the resolution, H.R. 27, and the resolution was adopted.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 30. COMMENDING LAURA M. GRAVES OF YORK, ALABAMA.

Also:

By Representative Flowers:

H.R. 31. CONGRATULATING THE CHARLES HENDERSON HIGH SCHOOL CHEERLEADERS ON WINNING THE INTERNATIONAL OPEN CHEERLEADING CHAMPIONSHIP.

Also:

The following resolutions were introduced:

By Representative Flowers:

H.J.R. 32. URGING THE ALABAMA SUPREME COURT TO EXPEDITE ITS CONSIDERATION OF THE CERTIFIED QUESTION FROM THE UNITED STATES COURT OF APPEALS CONCERNING ALABAMA'S ABSENTEE BALLOT LAWS.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Flowers offered the motion to suspend the rules and adopt the resolution, H.J.R. 32.

DIVISION OF THE QUESTION

Representative Holmes called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Flowers to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 32, and the motion was lost, lacking a four-fifths vote.

Yeas 49; Nays 30.

Yea:

Representatives Allen, Carns, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Haney, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Letson, McDaniel, McKee, McMillan, Millican, Moore, Morton, Murphree, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Turnham, Vance, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Burke, Dean, Drake, Ford, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Morrison, Newton (D), Page, Parker (P), Perdue, Rogers (J), Spratt, Starkey and Thomas (J).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Clark (J) and Box abstained from voting on the resolution, H.J.R. 32, due to a possible conflict of interest.

The resolution, H.J.R. 32, was read and referred to the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Dean inadvertently voted "Nay" and intended to vote "Yea" on the motion offered by Representative Flowers to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 32.

Also:

By Representative Holmes:

H.J.R. 33. COMDEMNING THE RACIST TACTICS USED BY CERTAIN CANDIDATES DURING THE PAST GENERAL ELECTION OF 1994.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Holmes offered the motion to suspend the rules and adopt the resolution, H.J.R. 33.

DIVISION OF THE QUESTION

Representative Turner called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Holmes to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 33, and the motion was lost.

Yeas 35; Nays 35.

Yea:

Representatives Bandy, Black (L), Boyd, Burke, Buskey, Clark (W), Galliher, Guin, Hall (L), Hayden, Hilliard, Hogan, Holmes, Houston, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Mitchell, Morrison, Newton (D), Parker (P), Perdue, Reed, Rogers (J), Spratt, Starkey, Thomas (J), Vance, Venable, Warren and White.

Nay:

Representatives Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Ford, Gaines, Gipson, Graham, Hamilton, Hawk, Hill, Hinshaw, Jorgensen, Knight (A), Laird, Layson, McMillan, Millican, Moore, Morton, Murphree, Papucci, Parker (T), Payne, Pringle, Robinson, Rogers (M), Sanderson, Thomas (D), Townsend, Turner and Turnham.

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The resolution, H.J.R. 33, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Clark (W), Kennedy, Mitchell and Buskey:

H.R. 34. COMMENDING RUNNING BACK SHERMAN WILLIAMS OF THE UNIVERSITY OF ALABAMA FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Representatives Knight (A), Curry, Parker (T), Hill, Gaines, Morton, Venable and Morrow:

H.J.R. 35. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Knight (A) offered the motion to suspend the rules and adopt the resolution, H.J.R. 35.

DIVISION OF THE QUESTION

Representative Holmes called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Knight (A) to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 35, and the motion was lost, lacking a four-fifths vote.

Yeas 61; Nays 27.

Yea:

Mr. Speaker, Allen, Box, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Carothers, Clark (W), Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Reed, Rogers (J), Spratt and Thomas (J).

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The resolution, H.J.R. 35, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Knight (A), Hill, Curry, Morton, Venable and Morrow:

H.J.R. 36. DECLARING THAT THE FEDERAL COURTS DO NOT HAVE THE POWER TO INSTRUCT THE STATES TO LEVY OR INCREASE TAXES.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Knight (A) offered the motion to suspend the rules and adopt the resolution, H.J.R. 36.

DIVISION OF THE QUESTION

Representative Thomas (J) called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Knight (A) to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 36, and the motion was lost, lacking a four-fifths vote.

Yeas 61; Nays 24.

Yea:

Mr. Speaker, Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderson, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Clark (W), Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Reed, Rogers (J), Spratt and Thomas (J).

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The resolution, H.J.R. 36, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Freeman:

S.J.R. 2. COMMENDING ROBIN BUTLER OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Papucci, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 2, the title of which is set out in the foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Sims:

H.R. 37. COMMENDING BETTYE FINE COLLINS FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE ALABAMA STATE BOARD OF EDUCATION.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Dial, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 3. RECOGNIZING STATE REPRESENTATIVE PETE TURNHAM OF AUBURN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation and sincere pride that recognition is herein extended to Alabama State Representative Pete Turnham of Auburn, Alabama, as the recent recipient of an honorary degree from Auburn University; and

WHEREAS, Representative Turnham, a native of Chambers County, earned both bachelor and master's degrees from Auburn and served on the staff for more than five years before beginning his tenure in the Legislature in 1958; and

WHEREAS, as a member of the Alabama House of Representatives for the past 36 years, Representative Turnham, the Dean of the House, has worked tirelessly and diligently on behalf of Auburn University and public education, as well as other issues of vital interest and concern to our state; and

WHEREAS, recently elected to his 10th term in the House, he has sponsored and supported significant legislation to ensure the future growth and prosperity of Auburn, and of his many successes was the funding for Haley Center and the Coliseum at Auburn; and

WHEREAS, he has also sponsored many other education-related bills over his career including the largest single bond issue in Alabama history, providing for new and improved school facilities throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as Auburn University's 130th honorary degree recipient, we hereby most highly commend our friend and colleague, Representative Pete Turnham of Auburn, Alabama, for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Venable, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 3, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 5. COMMENDING NANCY KNIGHTEN FORRESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEGISLATURE AND TO THE STATE OF ALABAMA.

WHEREAS, it is with sincere regret that the Legislature of Alabama has learned of the forthcoming retirement, February 1, 1995, of Nancy Knighten Forrester following her many years of exemplary service to the Alabama Legislature and the State of Alabama since 1977; and

WHEREAS, Nancy Knighten Forrester, a native of Montgomery, Alabama, attended Sidney Lanier High School and Rhodes College in Memphis, Tennessee, and received her B.S. degree from the University of North Carolina in Chapel Hill; and

WHEREAS, over the course of her career as the Royal Writ Writer of Legislative Reference Service, Nancy has consoled, congratulated and honored literally thousands of citizens across our state with her special style and flair, and her resolutions have come to be greatly desired and sought after by members of both the House and Senate; and

WHEREAS, the Alabama House of Representatives each year most particularly looks forward with anticipation to the presentation of the infamous Shroud Award in which she wittily, and a shade irreverently, conveys last rites to the deadest legislation of the session while commiserating with its surviving sponsor; and

WHEREAS, over the years, Nancy's commitment to excellence; tireless dedication to the task at hand; her wisdom and keen wit; and, of course, her unparalleled skill and unique talent with the written word have earned the highest regard and admiration of legislators, associates and co-workers alike; and she will be greatly missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply indebted to Nancy Knighten Forrester and convey our deepest gratitude and appreciation for her many years of extraordinary and devoted service to Legislative Reference Service and the State of Alabama.

RESOLVED FURTHER, That we wish Nancy and her husband, and our friend, Tharpe Forrester, health, happiness, and many pleasurable hours shared with their family and the world's greatest grandchildren, Katie and Will; and it is further directed that she receive a copy of this resolution as an expression of our appreciation, friendship and highest personal regard.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hooper, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 5, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 4. HONORING THOMAS D. SAMFORD III, ON THE OCCASION OF HIS RETIREMENT.

Also:

By Senator Dial:

S.J.R. 6. CONGRATULATING THE ASHLAND HIGH SCHOOL PANTHERS ON THE 1994 STATE CLASS 2-A FOOTBALL CHAMPIONSHIP.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turnham, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 4, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Venable, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 6, the title of which is set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Ford:

H.R. 38. COMMENDING M. CYNTHIA KITTLER, STEPHEN A. WATTS, AND LOUIS R. D'ABRAMO FOR THEIR COLLABORATIVE EFFORTS IN PROMOTING CRAYFISH FARMING IN THE STATE OF ALABAMA AND IN THE STATE OF MISSISSIPPI.

Also:

Representatives Flowers, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 39. EXTENDING CONGRATULATIONS TO THE HONORABLE AND MRS. JIM MURPHREE OF ONEONTA, ALABAMA, ON THE BIRTH OF A DAUGHTER, HANNAH MARIE.

RECESS

On motion of Representative Venable, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Joint Resolution:

H.J.R. 9. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1995.

And the President Pro Tempore and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Mitchell, Sanders, and Bailey.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 19. RECOGNIZING MRS. LINDA MENDEL OF MOUNTAIN BROOK, ALABAMA.

Also:

H.J.R. 24. COMMENDING FRANK CORLEY ELLIS, JR., OF COLUMBIANA, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 26. COMMENDING FRED JENSEN AS OUTSTANDING COACH OF FORMER AUTAUGA COUNTY HIGH SCHOOL.

McDOWELL LEE
Secretary

REPORT OF COMMITTEE ON CONFERENCE ON H.J.R. 9

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning H.J.R. 9 have met, considered the matter, and agreed to the following:

Conference Committee Substitute to H.J.R. 9 is attached.

SETH M. HAMMETT
JOHN F. KNIGHT
JACK B. VENABLE

CONFEREES OF THE HOUSE

CHIP BAILEY
WENDELL MITCHELL
HANK SANDERS

CONFEREES OF THE SENATE

JOINT RULES
OF THE TWO HOUSES OF THE LEGISLATURE OF
ALABAMA

1. Messages from one house to the other shall take precedence over all other questions.

2. When House and Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it disclosed at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The draft of any bill which is for introduction at any session of the Legislature, and which is not prepared by the Legislative Reference Service, the Legislative Fiscal Office, or the Executive Budget Office, shall be presented to the Legislative Reference Service for review, preparation of a synopsis, and entry into the Legislative Data Bank at least two days prior to introduction.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History, the Legislative Reference Service, and the Legislative Fiscal Office.

In aid of the reference work required by law to be done for members of the Legislature, the privileges of the floor of both houses are accorded the Director of the Alabama Law Institute and the Chief Examiner of the Department of Examiners of Public Accounts when requested by a member.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary of the Senate or Clerk of the House for introduction in either House unless it is a legible copy, typed on 8 1/2" by 11" paper with numbered lines which are double-spaced.

(d) All bills or resolutions that have been amended in the House of origin shall be engrossed by that House prior to being delivered to the other House.

(e) No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. Every bill making an appropriation, except the General Appropriations Bill and the Education Appropriation Bill, shall clearly stipulate in the bill's title the amount and the source from which the appropriation is to be made.

15. Any bill that proposes an amendment to the Constitution of the State of Alabama shall include in the text of the bill specific language that shall appear on the ballot if the bill is passed by the Legislature.

16. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

RULES RELATING TO COMMITTEES

17. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the Senate.

Notice of meetings of Committees on Conference shall be posted at least one hour prior to the meeting in the same manner as the posting of notice of standing committee meetings.

Provided, however, that on the 12th legislative day of any special session or on the 30th day of any regular session the provisions of this rule shall be satisfied if the meeting time and place of a Conference Committee is announced publically by the presiding officer of each house.

The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

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c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. _____ is attached).

(Example: Amend H.B./S.B. _____ as follows:)

Name

Name

Name

CONFEREES OF THE HOUSE

Name

Name

Name

CONFEREES OF THE SENATE

18. The Legislative Fiscal Office shall prepare and provide to all members of the Legislature a report of all changes (word and number) in a Conference Committee report on any appropriation bill from the bill as passed in the respective house of the Legislature.

19. All amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office.

20. Drafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, must be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

21. The House and Senate shall recess for a minimum of one week after the second legislative day of each regular session for the purpose of joint hearings of the House Ways and Means Committee, the Senate Committee on Finance and Taxation General Fund, the Senate Committee on Finance and Taxation Education, and the Senate Committee on Fiscal Responsibility and Accountability on the proposed budgets.

Budget information will be available for every member of the Legislature whether he is a member of the above stated committees or not.

RULES RELATING TO LOBBYING

22. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

23. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interest, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided. No registered lobbyist shall circulate a cloture petition.

24. **Registration Exception.** Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

25. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

26. **Rules Committee Advisory Opinions.** A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

27. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

28. **Secretary to Provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

29. **Committees to be Diligent.** Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Hammett, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the resolution, H.J.R. 9, said report being set out in the foregoing Report of the Committee on Conference.

RECESS

On motion of Representative Hammett, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

ANNOUNCEMENT OF STANDING COMMITTEES OF THE HOUSE

The Speaker announced the following Standing Committees of the House:

RULES

Tommy Carter, Chairperson; Joe M. Ford, Vice Chairperson; Members: James E. Buskey, Jim Carns, William Clark, Albert Hall, John R. Hilliard, Perry O. Hooper, Jr., Ronald G. Johnson, Bob McKee, Thomas Reed, Allen Sanderson, J. E. Turner, James E. Warren, Frank P. White.

WAYS AND MEANS

William P. (Bill) Fuller, Jr., Chairperson; Pete Turnham, Vice Chairperson; Members: Ralph Burke, Joe R. Carothers, Jr., Johnny L. Curry, James C. Haney, John Hawkins, Yvonne Kennedy, John F. Knight, Jr., Albert G. Morton, Tim Parker, Walter E. Penry, Jr., John W. Rogers, Jr., Nelson R. Starkey, Jr., James L. Thomas.

JUDICIARY

Demetrius C. Newton, Chairperson; Tony Petelos, Vice Chairperson; Members: Lucius Black, Marcel Black, Michael E. Box, Barbara B. Boyd, Steve Clouse, Mark L. Gaines, Betty Carol Graham, Ken Guin, Laura Hall, Howard Hawk, Neal Morrison, Nelson Papucci, Mike Rogers.

STATE ADMINISTRATION

Perry O. Hooper, Jr., Chairperson; W. F. McDaniel, Vice Chairperson; Members: Locy Baker, Sam Collins, Mike Dean, H. Mac Gipson, Jr., Thomas E. Hogan, Tommy L. Houston, Earnest Johnson, Richard J. Laird, Edward A. Maull, Stephen A. McMillan, John G. Page, Jim Townsend, Greg Wren.

BUSINESS AND LABOR

Mark L. Gaines, Chairperson; Yvonne Kennedy, Vice Chairperson; Members: Jim Carns, Mike Dean, Mike Hill, Richard J. Laird, Allen Layson, Edward A. Maull, W. F. McDaniel, Bryant Melton, Joseph Mitchell, Neal Morrison, Jim Murphree, Tim Parker, Riley Seibenhener.

HEALTH

Steve Flowers, Chairperson; Allen Sanderson, Vice Chairperson; Betty Carol Graham, Victor Gaston, Laura Hall, Randy Hinshaw, Thomas E. Jackson, Ronald G. Johnson, Lawrence McAdory, Thad McClammy, Michael J. Millican, Chris Pringle, Larry P. Sims, Lesley Vance, Greg Wren.

BANKING

Mike Hill, Chairperson; Charles O. Newton, Vice Chairperson; Members: Joe M. Ford, H. Mac Gipson, Jr., Albert Hall, Al Knight, Lawrence McAdory, Thad McClammy, Warren A. Minnifield, Johnny Mack Morrow, John G. Page, Tony Petelos, John Robinson, Howard Sanderford, James L. Thomas.

INSURANCE

Richard J. Laird, Chairperson; James E. Buskey, Vice Chairperson; Members: Steve Clouse, Steve Flowers, John R. Hilliard, Lee Jorgensen, Allen Layson, Warren A. Minnifield, Bob McKee, Jim Murphree, John Robinson, Lewis G. Pratt, Jim Townsend, Gerald Willis, Greg Wren.

EDUCATION

Paul Parker, Chairperson; John Hawkins, Vice Chairperson; Members: George Bandy, Barbara B. Boyd, R. P. (Phil) Crigler, Jr., Jeff Dolbare, Betty Carol Graham, Howard Hawk, Lawrence McAdory, Stephen A. McMillan, Joseph Mitchell, Johnny Mack Morrow, Albert G. Morton, Curtis Smith, Dave Thomas.

AGRICULTURE, FORESTRY AND NATURAL RESOURCES

Richard J. Lindsey, Chairperson; Curtis Smith, Vice Chairperson; Members: Locy Baker, R. P. (Phil) Crigler, Jr., James H. Hamilton, Andrew Hayden, Thomas E. Jackson, Sam Letson, Edward A. Maull, Michael J. Millican, John Robinson, Howard Sanderford, Riley Seibenhener, Larry P. Sims, James E. Warren.

PUBLIC WELFARE

Thomas Reed, Chairperson; Michael J. Millican, Vice Chairperson; Members: Gerald Allen, George Bandy, James E. Buskey, Jeff Dolbare, Tom Drake, Mark L. Gaines, Thomas E. Hogan, Alvin Holmes, Lee Jorgensen, Neal Morrison, Larry P. Sims, Dave Thomas, Jim Townsend.

CONSTITUTION AND ELECTIONS

Jack B. Venable, Chairperson; Stephen A. McMillan, Vice Chairperson; Members: Locy Baker, Marcel Black, Michael E. Box, Barbara B. Boyd, Johnny L. Curry, Charles O. Newton, George Perdue, Chris Pringle, Mike Rogers, Curtis Smith, Lewis G. Spratt, Dave Thomas, Gerald Willis.

COMMERCE, TRANSPORTATION AND UTILITIES

Al Knight, Chairperson; W. F. McDaniel, Vice Chairperson; Members: Lucius Black, Ralph Burke, Joe M. Ford, Victor Gaston, Ken Guin, Seth Hammett, John R. Hilliard, Perry O. Hooper, Jr., Richard J. Lindsey, Garreth Moore, Warren A. Minnifield, John W. Rogers, Jr., Allen Sanderson.

INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH

Jim Carns, Chairperson; Laura Hall, Vice Chairperson; Members: Gerald Allen, Ralph Burke, Bill J. Dukes, Blaine Galliher, James H. Hamilton, Andrew Hayden, Lee Jorgensen, Yvonne Kennedy, Bryant Melton, Garreth Moore, Mike Rogers, Howard Sanderford, Nelson R. Starkey, Jr.

LOCAL GOVERNMENT

Bill Dukes, Chairperson; Sam Collins, Vice Chairperson; Members: George Bandy, Joe R. Carothers, Jr., Steve Clouse, James H. Hamilton, John Hawkins, Andrew Hayden, Mike Hill, Tommy L. Houston, John F. Knight, Jr., Allen Layson, Sam Letson, Garreth Moore, Arthur Payne.

MILITARY AFFAIRS

Bryant Melton, Chairperson; Leslie Vance, Vice Chairperson; Members: Steve Clouse, Mike Dean, Bill J. Dukes, Howard Hawk, Randy Hinshaw, Alvin Holmes, Thad McClammy, Demetrius C. Newton, Nelson Papucci, Paul Parker, Chris Pringle, Allen Sanderford, Riley Seibenhener.

HIGHWAY SAFETY

Lewis G. Spratt, Chairperson; Ronald G. Johnson, Vice Chairperson; Members: R. P. (Phil) Crigler, Jr., Tom Drake, Blaine Galliher, Alvin Holmes, Thomas E. Jackson, Lee Jorgensen, Al Knight, Richard J. Lindsey, Charles O. Newton, Paul Parker, Arthur Payne, Walter E. Penry, Jr., George Perdue.

SMALL BUSINESS

John F. Knight, Jr., Chairperson; Gerald Willis, Vice Chairperson; Members: Johnny L. Curry, H. Mac Gipson, Jr., James C. Haney, Thomas E. Hogan, Tommy L. Houston, Earnest Johnson, W. F. McDaniel, Bob McKee, Albert G. Morton, Jim Murphree, Arthur Payne, George Perdue, Lesley Vance.

OIL AND GAS

Victor Gaston, Chairperson; William Clark, Vice Chairman; Members: Gerald Allen, James E. Buskey, Sam Collins, Mike Dean, Jeff Dolbare, Blaine Galliher, Ken Guin, Earnest Johnson, Joseph Mitchell, Walter E. Penry, Jr., Tony Petelos, J. E. Turner, Frank P. White.

TOURISM, ENTERTAINMENT AND SPORTS

Joe M. Ford, Chairperson; J. E. Turner, Vice Chairperson; Members: Marcel Black, William Clark, Mike Dean, Randy Hinshaw, Sam Letson, Warren A. Minnifield, Johnny Mack Morrow, Nelson Papucci, Chris Pringle, Thomas Reed, John W. Rogers, Jr., Lewis G. Spratt, James L. Thomas.

NAVIGATION AND WATER WAYS

Michael E. Box, Chairperson; Lucius Black, Vice Chairperson; Members: Joe R. Carothers, Jr., R. P. (Phil) Crigler, Jr., Albert Hall, James C. Haney, Thomas E. Jackson, Bob McKee, Demetrius C. Newton, John G. Page, Tim Parker, Arthur Payne, Thomas Reed, Jim Townsend, James E. Warren.

LOCAL LEGISLATION NO. 1

Frank P. White, Chairperson; Sam Letson, Vice Chairperson; Members: Locy Baker, Steve Clouse, Sam Collins, Tom Drake, Thomas E. Jackson, Edward A. Maull, Garreth Moore, Johnny Mack Morrow, Walter E. Penry, Jr., Mike Rogers, Riley Seibenhener, Nelson R. Starkey, Jr., James L. Thomas.

**LOCAL LEGISLATION NO. 2
JEFFERSON COUNTY**

Jim Carns, Johnny L. Curry, Mark L. Gaines, John Hawkins, John R. Hilliard, Tommy L. Houston, Earnest Johnson, Lawrence McAdory, Warren A. Minnifield, Albert G. Morton, Demetrius C. Newton, Arthur Payne, George Perdue, Tony Petelos, John W. Rogers, Jr., Allen Sanderson, Lewis G. Spratt, Jim Townsend.

**LOCAL LEGISLATION NO. 3
MOBILE COUNTY**

Michael E. Box, James E. Buskey, William Clark, R. P. (Phil) Crigler, Jr., Mike Dean, Victor Gaston, Yvonne Kennedy, Joseph Mitchell, Chris Pringle, J. E. Turner.

**LOCAL LEGISLATION NO. 4
MADISON COUNTY**

Albert Hall, Laura Hall, James C. Haney, Randy Hinshaw, Lee Jorgensen, Nelson Papucci, Howard Sanderford.

**LOCAL LEGISLATION NO. 5
MONTGOMERY COUNTY**

Alvin Holmes, Perry O. Hooper, Jr., John F. Knight, Jr., Thad McClammy, Bob McKee, Greg Wren.

**LOCAL LEGISLATION NO. 6
TUSCALOOSA COUNTY**

Gerald Allen, Ken Guin, Andrew Hayden, Allen Layson, Bryant Melton, Tim Parker.

**LOCAL LEGISLATION NO. 7
SHELBY COUNTY**

Jim Carns, Johnny L. Curry, Mark L. Gaines, Mike Hill, Al Knight, Curtis Smith.

**LOCAL LEGISLATION NO 8
LEE COUNTY**

George Bandy, William P. (Bill) Fuller, Jr., Thomas Reed, Pete Turnham, Lesley Vance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the House Joint Resolution:

H.J.R. 9. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1995.

And said Resolution, HJR 9, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 9. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1995.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 19. RECOGNIZING MRS. LINDA MENDEL OF MOUNTAIN BROOK, ALABAMA.

Also:

H.J.R. 24. COMMENDING FRANK CORLEY ELLIS, JR., OF COLUMBIANA, ALABAMA, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 26. COMMENDING FRED JENSEN AS OUTSTANDING COACH OF FORMER AUTAUGA COUNTY HIGH SCHOOL.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 2. COMMENDING ROBIN BUTLER OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 3. RECOGNIZING STATE REPRESENTATIVE PETE TURNHAM OF AUBURN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 4. HONORING THOMAS D. SAMFORD III, ON THE OCCASION OF HIS RETIREMENT.

Also:

S.J.R. 5. COMMENDING NANCY KNIGHTEN FORRESTER FOR DISTINGUISHED SERVICE TO THE ALABAMA LEGISLATURE AND TO THE STATE OF ALABAMA.

Also:

S.J.R. 6. CONGRATULATING THE ASHLAND HIGH SCHOOL PANTHERS ON THE 1994 STATE CLASS 2-A FOOTBALL CHAMPIONSHIP.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:30 A.M. on January 17, 1995.

H.J.R. 6

H.J.R. 3

H.J.R. 11

H.J.R. 4

H.J.R. 16

H.J.R. 7

H.J.R. 17

H.J.R. 8

H.J.R. 2

Delivered to the Governor at 12:37 P.M. on January 17, 1995.

H.J.R. 19

H.J.R. 24

H.J.R. 26

H.J.R. 9

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Newton (D), the House adjourned sine die.

GREG PAPPAS
Clerk of the House of Representatives
of the Legislature of Alabama
Organizational Session, 1995.

HOUSE OF REPRESENTATIVES
ALPHABETICAL ROSTER AND DISTRICT NUMBERS
ORGANIZATIONAL SESSION 1995

Gerald Allen, 62
Locy Baker, 85
George Bandy, 83
Lucius Black, 71
Marcel Black, 3
Michael E. Box, 96
Barbara B. Boyd, 32
Ralph Burke, 24
James E. Buskey, 99
Jim Carns, 46
Joe R. Carothers, Jr., 86
Tommy Carter, 5
James S. Clark, 84
William Clark, 98
Steve Clouse, 93
Sam Collins, 16
R. P. (Phil) Crigler, Jr., 105
Johnny L. Curry, 15
Mike Dean, 104
Jeff Dolbare, 65
Tom Drake, 11
Bill J. Dukes, 8
Steve Flowers, 89
Joe M. Ford, 28
Bill Fuller, 38
Mark L. Gaines, 47
Blaine Galliher, 30
Victor Gaston, 100
H. Mac Gipson, Jr., 88
Betty Carol Graham, 81
Ken Guin, 14
Albert Hall, 22
Laura Hall, 19
James H. Hamilton, 2
Seth Hammett, 92
James C. Haney, 10
Howard Hawk, 25
John Hawkins, 48
Andrew Hayden, 72
Mike Hill, 41
John R. Hilliard, 60
Randy Hinshaw, 21
Thomas E. Hogan, 13
Alvin Holmes, 78
Perry O. Hooper, Jr., 73
Tommy L. Houston, 57
Thomas E. Jackson, 68
Earnest Johnson, 58
Ronald G. Johnson, 33
Lee Jorgensen, 6
Yvonne Kennedy, 97
Al Knight, 40
John F. Knight, Jr., 77

Richard J. Laird, 37
Allen Layson, 61
Sam Letson, 7
Richard J. Lindsey, 39
Edward A. Maull, 67
Lawrence McAdory, 56
Thad McClammy, 76
W. F. (Frank) McDaniel, 26
Bob McKee, 74
Stephen A. McMillan, 95
Bryant Melton, 70
Michael J. Millican, 17
Warren A. Minnifield, 55
Joseph Mitchell, 103
Garreth Moore, 91
Neal Morrison, 12
Johnny Mack Morrow, 18
Albert G. Morton, 45
Jim Murphree, 27
Charles O. Newton, 90
Demetrius C. Newton, 53
John G. (Jack) Page, 29
Nelson Papucci, 4
Paul Parker, 9
Tim Parker, 63
Arthur Payne, 44
Walter E. Penry, Jr., 94
George Perdue, 54
Tony Petelos, 51
Chris Pringle, 101
Thomas Reed, 82
John Robinson, 23
John W. Rogers, Jr., 52
Mike Rogers, 36
Howard Sanderford, 20
Allen Sanderson, 43
Riley Seibenhener, 87
Larry P. Sims, 35
Curtis Smith, 42
Lewis G. Spratt, 59
Nelson R. Starkey, Jr., 1
Dave Thomas, 49
James L. Thomas, 69
Jim Townsend, 50
J. E. Turner, 102
Pete Turnham, 79
Lesley Vance, 80
Jack B. Venable, 31
James E. Warren, 64
Frank P. (Skippy) White, 66
Gerald Willis, 34
Greg Wren, 75

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA
ORGANIZATIONAL SESSION 1995**

OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula
SETH HAMMETT, *Speaker Pro Tempore*, Andalusia
WILLIAM G. (GREG) PAPPAS, *Clerk*, Montgomery
DON LADNER, *Administrative Assistant*, Montgomery
VANNAH W. NORRELL, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. Nos.	Counties & Names	Addresses
1	LAUDERDALE Nelson R. Starkey, Jr.....	158 Cedar Crest Drive, Florence 35630
2	LAUDERDALE James H. Hamilton.....	Route 3, Box 119, Rogersville 35652
3	COLBERT Marcel Black.....	P.O. Box 491, Tuscumbia 35674
4	LIMESTONE, MADISON, MORGAN Nelson Papucci.....	P.O. Box 541, Madison 35758
5	LIMESTONE Tommy Carter.....	18216 Upper Fort Hampton Road, Elkmont 35620
6	LIMESTONE, MADISON Lee Jorgensen.....	124 Stonemeadow Lane, Madison 35758
7	LAWRENCE, WINSTON Sam Letson.....	3980 Highway 36, Moulton 35650
8	MORGAN Bill J. Dukes.....	2209 Parkplace Street, S.E., Decatur 35601
9	MORGAN Paul Parker.....	606 Douglas Drive, N.W., Hartselle 35640
10	MADISON James C. Haney.....	809 Tannahill Drive, Huntsville 35802

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 11 CULLMAN, MORGAN
Tom Drake.....P.O. Box 1165, Cullman 35055
- 12 CULLMAN
Neal Morrison.....P.O. Box 1408, Cullman 35056
- 13 WALKER
Thomas E. Hogan.....Route 10, Box 324B, Jasper 35501
- 14 TUSCALOOSA, WALKER, WINSTON
Ken Guin.....P.O. Box 470, Carbon Hill 35549
- 15 JEFFERSON, SHELBY
Johnny L. Curry.....3264 Fieldale Drive, Hueytown 35023
- 16 FAYETTE, LAMAR, PICKENS
Sam Collins.....1019 13th Street, N.W., Fayette 35555
- 17 MARION, WINSTON
Michael J. Millican.....Route 1, Box 71, Hamilton 35570
- 18 COLBERT, FRANKLIN
Johnny Mack Morrow.....709 Carter Street, N.E., Red Bay 35582
- 19 MADISON
Laura Hall.....P.O. Box 3274, Huntsville 35810
- 20 MADISON
Howard Sanderford.....908 Tannahill Drive, S.E., Huntsville 35802-1971
- 21 MADISON
Randy Hinshaw.....218 Constitution Drive, Meridianville 35759
- 22 JACKSON, MADISON
Albert Hall.....Route 1, P.O. Box 275, Gurley 35748
- 23 JACKSON
John Robinson.....3479 County Road 33, Scottsboro 35768

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 37 CHAMBERS, CLAY, RANDOLPH
Richard J. Laird.....1507 Bonner Drive, Roanoke 36274
- 38 CHAMBERS, LEE
Bill Fuller.....P.O. Box 317, LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DEKALB
Richard J. Lindsey.....Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY
Al Knight.....2969-M Alpine Square, Montgomery Highway
Pelham 35124
- 41 SHELBY
Mike Hill.....114 Arlington Street, Columbiana 35051
- 42 CHILTON, SHELBY
Curtis Smith.....16131 Highway 22, Clanton 35045
- 43 JEFFERSON
Allen Sanderson.....126 Greenbriar Lane, Birmingham 35213
- 44 JEFFERSON
Arthur Payne.....2825 2nd Street, N.W., Birmingham 35215
- 45 JEFFERSON
Albert G. Morton.....833 Zellmark Drive, Birmingham 35235
- 46 JEFFERSON, SHELBY
Jim Carns.....3 Office Park Circle, Suite 120, Birmingham 35223
- 47 JEFFERSON, SHELBY
Mark L. Gaines.....201 Morris Boulevard, Homewood 35209
- 48 JEFFERSON
John Hawkins.....1841 Montclair Drive, Birmingham 35216
- 49 ST. CLAIR
Dave Thomas.....49 Forman Street, Springville 35146
- 50 JEFFERSON
Jim Townsend.....5544 Lazy Acres Trail, Pinson 35126

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 51 JEFFERSON
Tony Petelos.....P.O. Box 40, Pleasant Grove 35127
- 52 JEFFERSON
John W. Rogers, Jr.....1424 18th Street, S.W., Birmingham 35211
- 53 JEFFERSON
Demetrius C. Newton.....512 10th Terrace West, Birmingham 35204
- 54 JEFFERSON
George Perdue.....P.O. Box 2473, Birmingham 35201
- 55 JEFFERSON
Warren A. Minnifield.....703 Miles Circle, Fairfield 35064
- 56 JEFFERSON
Lawrence McAdory.....1000 Barclay Drive, Bessemer 35023
- 57 JEFFERSON
Tommie L. Houston.....3709 Howard Avenue, S.W., Birmingham 35221
- 58 JEFFERSON
Earnest Johnson.....8531 Zion City Road, N., Birmingham 35206
- 59 JEFFERSON
Lewis G. Spratt.....3809 Fourth Street, West, Birmingham 35207
- 60 JEFFERSON
John R. Hilliard.....P.O. Box 11385, Birmingham 35202
- 61 PICKENS, TUSCALOOSA
Allen Layson.....P.O. Box 910, Reform 35481
- 62 HALE, TUSCALOOSA
Gerald Allen.....P.O. Box 71001, Tuscaloosa 35407
- 63 TUSCALOOSA
Tim Parker.....P.O. Box 020908, Tuscaloosa 35402-0908

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA-Continued

- 64 **BALDWIN, CONECUH, MONROE**
James E. Warren.....P.O. Box 207, Castleberry 36432
- 65 **CHOCTAW, CLARKE, WASHINGTON**
Jeff Dolbare.....Star Route, Box 17, Bigbee 36510
- 66 **BALDWIN, ESCAMBIA**
Frank P. (Skippy) White.....Route 1, Box 427-Pollard, Flomaton 36441
- 67 **DALLAS**
Edward A. Maull.....2002 4th Avenue, Selma 36703
- 68 **CHOCTAW, CLARKE, CONECUH, MARENGO, MONROE**
Thomas E. Jackson.....29 Duncan Drive, Thomasville 36784
- 69 **DALLAS, LOWNDES, WILCOX**
James L. Thomas.....2713 Highway 14, E., Selma 36701
- 70 **TUSCALOOSA**
Bryant Melton.....5003 4th Avenue, Tuscaloosa 35405
- 71 **GREENE, MARENGO, SUMTER**
Lucius Black.....P.O. Box 284, York 36925
- 72 **HALE, MARENGO, PERRY, TUSCALOOSA**
Andrew Hayden.....P.O. Box 514, Uniontown 36786
- 73 **MONTGOMERY**
Perry O. Hooper, Jr.....3472 Bankhead Avenue, Montgomery 36111
- 74 **MONTGOMERY**
Bob McKee.....P.O. Box 424, Montgomery 36101
- 75 **ELMORE, MONTGOMERY**
Greg Wren.....7700 Wynlakes Boulevard, Montgomery 36117
- 76 **MONTGOMERY**
Thad McClammy.....3035 Rosa L. Parks Avenue, Montgomery 36105
- 77 **MONTGOMERY**
John F. Knight, Jr.....P.O. Box 6148, Montgomery 36106

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 78 MONTGOMERY
Alvin Holmes.....P.O. Box 6064, Montgomery 36106
- 79 LEE
Pete Turnham.....P.O. Box 3490, Auburn 36831-3490
- 80 LEE, RUSSELL
Lesley Vance.....P.O. Box 1429, Phenix City 36868
- 81 TALLAPOOSA
Betty Carol Graham.....Route 3, Box 222, Alexander City 35010
- 82 BULLOCK, LEE, MACON
Thomas Reed.....P.O. Box 1324, Tuskegee 36087
- 83 LEE, RUSSELL
George Bandy.....1001-A Sanford Court, Opelika 36801
- 84 BARBOUR, HENRY
James S. Clark.....P.O. Box 71, Eufaula 36072
- 85 DALE, HENRY, HOUSTON
Locy Baker.....115 Bryant Street, Abbeville 36310
- 86 HOUSTON
Joe R. Carothers, Jr.....2916 Taylor Road, Dothan 36301
- 87 GENEVA, HOUSTON
Riley Seibenhener.....Route 2, Box 166A, Hartford 36344
- 88 AUTAUGA, ELMORE
H. Mac Gipson, Jr.....1119 Pates Mill Lane, Prattville 36067
- 89 DALE, PIKE
Steve Flowers.....P.O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW, LOWNDES
Charles O. Newton.....760 South Conecuh Street, Greenville 36037
- 91 COFFEE
Garreth Moore.....504 Candlewood Drive, Enterprise 36330

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA-Continued**

- 92 COVINGTON
Seth Hammett.....P.O. Box 1776, Andalusia 36420
- 93 DALE, HOUSTON
Steve Clouse.....P.O. Box 818, Ozark 36361
- 94 BALDWIN
Walter E. Penry, Jr.....12040 County Road 54, Daphne 36526
- 95 BALDWIN
Stephen A. McMillan.....P.O. Box 337, Bay Minette 36507
- 96 MOBILE
Michael E. Box.....104 South Lawrence Street, Mobile 36602
- 97 MOBILE
Yvonne Kennedy.....1205 Glennon Avenue, Mobile 36603
- 98 MOBILE
William Clark.....711 South Atmore Avenue, Prichard 36612
- 99 MOBILE
James E. Buskey.....2207 Barretts Lane, Mobile 36617
- 100 MOBILE
Victor Gaston.....864 Parkwood Drive, W., Mobile 36608
- 101 MOBILE
Chris Pringle.....111 McHugh Lane, Mobile 36608
- 102 MOBILE
J. E. Turner.....20909 J. E. Turner Circle, Citronelle 36522
- 103 MOBILE
Joseph Mitchell.....465 Dexter Avenue, Mobile 36604
- 104 MOBILE
Mike Dean.....3705 Scenic Drive, Mobile 36605
- 105 MOBILE
R. P. (Phil) Crigler, Jr.....8040 Shannon Drive, Irvington 36544

STANDING COMMITTEES HOUSE OF REPRESENTATIVES OF ALABAMA 1995

AGRICULTURE, FORESTRY AND NATURAL RESOURCES

Richard J. Lindsey, Chairperson; Curtis Smith, Vice Chairperson; Members: Locy Baker, R. P. (Phil) Crigler, Jr., James H. Hamilton, Andrew Hayden, Thomas E. Jackson, Sam Letson, Edward A. Maull, Michael J. Millican, John Robinson, Howard Sanderford, Riley Seibenhener, Larry P. Sims, James E. Warren.

BANKING

Mike Hill, Chairperson; Charles O. Newton, Vice Chairperson; Members: Joe M. Ford, H. Mac Gipson, Jr., Albert Hall, Al Knight, Lawrence McAdory, Thad McClammy, Warren A. Minnifield, Johnny Mack Morrow, John G. (Jack) Page, Tony Petelos, John Robinson, Howard Sanderford, James L. Thomas.

BUSINESS AND LABOR

Mark L. Gaines, Chairperson; Yvonne Kennedy, Vice Chairperson; Members: Jim Carns, Mike Dean, Mike Hill, Richard J. Laird, Allen Layson, Edward A. Maull, W. F. (Frank) McDaniel, Bryant Melton, Joseph Mitchell, Neal Morrison, Jim Murphree, Riley Seibenhener, Gerald Willis.

COMMERCE, TRANSPORTATION AND UTILITIES

Al Knight, Chairperson; W. F. (Frank) McDaniel, Vice Chairperson; Members: Lucius Black, Ralph Burke, Joe M. Ford, Victor Gaston, Ken Guin, Seth Hammett, John R. Hilliard, Perry O. Hooper, Jr., Richard J. Lindsey, Warren A. Minnifield, Garreth Moore, John W. Rogers, Jr., Allen Sanderson.

CONSTITUTION AND ELECTIONS

Jack B. Venable, Chairperson; Stephen A. McMillan, Vice Chairperson; Members: Locy Baker, Marcel Black, Michael E. Box, Barbara B. Boyd, Johnny L. Curry, Charles O. Newton, George Perdue, Chris Pringle, Mike Rogers, Curtis Smith, Lewis G. Spratt, Dave Thomas, Gerald Willis.

EDUCATION

Paul Parker, Chairperson; John Hawkins, Vice Chairperson; Members: George Bandy, Barbara B. Boyd, R. P. (Phil) Crigler, Jr., Jeff Dolbare, Betty Carol Graham, Howard Hawk, Lawrence McAdory, Stephen A. McMillan, Joseph Mitchell, Albert G. Morton, Tim Parker, Curtis Smith, Dave Thomas.

HEALTH

Steve Flowers, Chairperson; Allen Sanderson, Vice Chairperson; Victor Gaston, Betty Carol Graham, Laura Hall, Randy Hinshaw, Thomas E. Jackson, Ronald G. Johnson, Lawrence McAdory, Thad McClammy, Michael J. Millican, Chris Pringle, Larry P. Sims, Lesley Vance, Greg Wren.

HIGHWAY SAFETY

Lewis G. Spratt, Chairperson; Ronald G. Johnson, Vice Chairperson; Members: R. P. (Phil) Crigler, Jr., Tom Drake, Blaine Galliher, Alvin Holmes, Thomas E. Jackson, Lee Jorgensen, Al Knight, Richard J. Lindsey, Charles O. Newton, Paul Parker, Arthur Payne, Walter E. Penry, Jr., George Perdue.

INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH

Jim Carns, Chairperson; Laura Hall, Vice Chairperson; Members: Gerald Allen, Ralph Burke, Bill J. Dukes, Blaine Galliher, James H. Hamilton, Andrew Hayden, Lee Jorgensen, Yvonne Kennedy, Bryant Melton, Garreth Moore, Mike Rogers, Howard Sanderford, Nelson R. Starkey, Jr.

INSURANCE

Richard J. Laird, Chairperson; James E. Buskey, Vice Chairperson; Members: Steve Clouse, Steve Flowers, John R. Hilliard, Lee Jorgensen, Allen Layson, Bob McKee, Warren A. Minnifield, Jim Murphree, John Robinson, Lewis G. Spratt, Jim Townsend, Gerald Willis, Greg Wren.

JUDICIARY

Demetrius C. Newton, Chairperson; Tony Petelos, Vice Chairperson; Members: Lucius Black, Marcel Black, Michael E. Box, Barbara B. Boyd, Steve Clouse, Mark L. Gaines, Betty Carol Graham, Ken Guin, Laura Hall, Howard Hawk, Neal Morrison, Nelson Papucci, Mike Rogers.

LOCAL GOVERNMENT

Bill Dukes, Chairperson; Sam Collins, Vice Chairperson; Members: George Bandy, Joe R. Carothers, Jr., Steve Clouse, James H. Hamilton, John Hawkins, Andrew Hayden, Mike Hill, Tommy L. Houston, John F. Knight, Jr., Allen Layson, Sam Letson, Garreth Moore, Arthur Payne.

LOCAL LEGISLATION NO. 1

Frank P. (Skippy) White, Chairperson; Sam Letson, Vice Chairperson; Members: Locy Baker, Steve Clouse, Sam Collins, Tom Drake, Thomas E. Jackson, Edward A. Maull, Garreth Moore, Johnny Mack Morrow, Walter E. Penry, Jr., Mike Rogers, Riley Seibenhener, Nelson R. Starkey, Jr., James L. Thomas.

**LOCAL LEGISLATION NO. 2
JEFFERSON COUNTY**

Tony Petelos and Warren A. Minnifield; Co-Chairpersons; Members: Jim Carns, Johnny L. Curry, Mark L. Gaines, John Hawkins, John R. Hilliard, Tommy L. Houston, Earnest Johnson, Lawrence McAdory, Albert G. Morton, Demetrius C. Newton, Arthur Payne, George Perdue, John W. Rogers, Jr., Allen Sanderson, Lewis G. Spratt, Jim Townsend.

**LOCAL LEGISLATION NO. 3
MOBILE COUNTY**

J. E. Turner, Chairperson; James E. Buskey, Vice Chairperson; Members: Michael E. Box, William Clark, R. P. (Phil) Crigler, Jr., Mike Dean, Victor Gaston, Yvonne Kennedy, Joseph Mitchell, Chris Pringle.

**LOCAL LEGISLATION NO. 4
MADISON COUNTY**

Albert Hall, Chairperson; Members: Laura Hall, James C. Haney, Randy Hinshaw, Lee Jorgensen, Nelson Papucci, Howard Sanderford.

**LOCAL LEGISLATION NO. 5
MONTGOMERY COUNTY**

Alvin Holmes, Chairperson; Members: Perry O. Hooper, Jr., John F. Knight, Jr., Thad McClammy, Bob McKee, Greg Wren.

**LOCAL LEGISLATION NO. 6
TUSCALOOSA COUNTY**

Tim Parker, Chairperson; Allen Layson, Vice-Chairperson; Members: Gerald Allen, Ken Guin, Andrew Hayden, Bryant Melton.

**LOCAL LEGISLATION NO. 7
SHELBY COUNTY**

Mike Hill, Chairperson; Mark L. Gaines, Vice-Chairperson; Members: Jim Carns, Johnny L. Curry, Al Knight, Curtis Smith.

**LOCAL LEGISLATION NO. 8
LEE COUNTY**

Pete Turnham, Chairperson; George Bandy, Vice-Chairperson; Members: Bill Fuller, Thomas Reed, Lesley Vance.

MILITARY AFFAIRS

Bryant Melton, Chairperson; Leslie Vance, Vice Chairperson; Members: Steve Clouse, Mike Dean, Bill J. Dukes, Howard Hawk, Randy Hinshaw, Alvin Holmes, Thad McClammy, Demetrius C. Newton, Nelson Papucci, Paul Parker, Chris Pringle, Howard Sanderford, Riley Seibenhener.

NAVIGATION AND WATER WAYS

Michael E. Box, Chairperson; Lucius Black, Vice Chairperson; Members: Joe R. Carothers, Jr., R. P. (Phil) Crigler, Jr., Albert Hall, James C. Haney, Thomas E. Jackson, Bob McKee, Demetrius C. Newton, John G. (Jack) Page, Tim Parker, Arthur Payne, Thomas Reed, Jim Townsend, James E. Warren.

OIL AND GAS

Victor Gaston, Chairperson; William Clark, Vice Chairperson; Members: Gerald Allen, James E. Buskey, Sam Collins, Mike Dean, Jeff Dolbare, Blaine Galliher, Ken Guin, Earnest Johnson, Joseph Mitchell, Walter E. Penry, Jr., Tony Petelos, J. E. Turner, Frank P. (Skippy) White.

PUBLIC WELFARE

Thomas Reed, Chairperson; Michael J. Millican, Vice Chairperson; Members: Gerald Allen, George Bandy, James E. Buskey, Jeff Dolbare, Tom Drake, Mark L. Gaines, Thomas E. Hogan, Lee Jorgensen, Neal Morrison, Larry P. Sims, Dave Thomas, Jim Townsend.

RULES

Tommy Carter, Chairperson; Joe M. Ford, Vice Chairperson; Members: James E. Buskey, Jim Carns, William Clark, Albert Hall, John R. Hilliard, Perry O. Hooper, Jr., Ronald G. Johnson, Bob McKee, Thomas Reed, Allen Sanderson, J. E. Turner, James E. Warren, Frank P. (Skippy) White.

SMALL BUSINESS

John F. Knight, Jr., Chairperson; Gerald Willis, Vice Chairperson; Members: Johnny L. Curry, H. Mac Gipson, Jr., James C. Haney, Thomas E. Hogan, Tommy L. Houston, Earnest Johnson, W. F. (Frank) McDaniel, Bob McKee, Albert G. Morton, Jim Murphree, Arthur Payne, George Perdue, Lesley Vance.

STATE ADMINISTRATION

Perry O. Hooper, Jr., Chairperson; W. F. (Frank) McDaniel, Vice Chairperson; Members: Lucy Baker, Sam Collins, Mike Dean, H. Mac Gipson, Jr., Thomas E. Hogan, Tommy L. Houston, Earnest Johnson, Richard J. Laird, Edward A. Maul, Stephen A. McMillan, John G. (Jack) Page, Jim Townsend, Greg Wren.

TOURISM, ENTERTAINMENT AND SPORTS

Joe M. Ford, Chairperson; J. E. Turner, Vice Chairperson; Members: Lucy Baker, Marcel Black, William Clark, Mike Dean, Randy Hinshaw, Sam Letson, Warren A. Minnifield, Johnny Mack Morrow, Nelson Papucci, Thomas Reed, John W. Rogers, Jr., Lewis G. Spratt, James L. Thomas.

WAYS AND MEANS

Bill Fuller, Chairperson; Pete Turnham, Vice Chairperson; Members: Ralph Burke, Joe R. Carothers, Jr., Johnny L. Curry, James C. Haney, John Hawkins, Yvonne Kennedy, John F. Knight, Jr., Albert G. Morton, Tim Parker, Walter E. Penry, Jr., John W. Rogers, Jr., Nelson R. Starkey, Jr., James L. Thomas.

**ALABAMA STATE SENATE
ALPHABETICAL ROSTER AND DISTRICT NUMBER
ORGANIZATIONAL SESSION 1995**

Dwight Adams, 31
John Amari, 15
Bill Armistead, 14
Chip Bailey, 29
Lowell Barron, 8
Roger Bedford, 6
Jack Biddle, III, 17
Tom Butler, 2
George Clay, 28
Charles Davidson, 5
Bobby E. Denton, 1
Gerald Dial, 13
Larry Dixon, 25
Sundra Escott-Russell, 20
Michael Figures, 33
Dewayne Freeman, 7
Doug Ghee, 12
Don Hale, 4

Dell Hill, 11
Charles Langford, 26
W. H. (Pat) Lindsey, 22
Albert Lipscomb, 32
T. D. (Ted) Little, 27
Edward (E.B.) McClain, 19
Wendell Mitchell, 30
Hinton Mitchem, 9
H. E. (Hap) Myers, Jr., 34
Phil Poole, 21
Tommy Ed Roberts, 3
Hank Sanders, 23
Roy Smith, 10
Roger Smitherman, 18
Charles Steele, Jr., 24
J. T. (Jabo) Waggoner, 16
Steve Windom, 35

ROSTER OF THE SENATE OF ALABAMA ORGANIZATIONAL SESSION 1995

OFFICERS

DON SIEGELMAN, *Lieutenant Governor*, Montgomery

MICHAEL FIGURES, *President Pro Tempore*, Mobile

CHARLES McDOWELL LEE, *Secretary*, Montgomery

D. PATRICK HARRIS, *Assistant Secretary*, Montgomery

DAVID AVANT, *Administrative Assistant*, Prattville

SUZAN McCLELLAND, *Chief Clerk*, Prattville

MEMBERS OF THE SENATE

Dist. Nos.	Counties & Names	Addresses
1	COLBERT, LAUDERDALE Bobby E. Denton.....	P.O. Box 987, Tuscumbia 35674
2	LIMESTONE, MADISON, MORGAN Tom Butler.....	136 Hartington Drive, Madison 35758
3	LAWRENCE, MORGAN, WINSTON Tommy Ed Roberts.....	P.O. Box 1268, Hartselle 35640
4	CULLMAN, MADISON, MORGAN Don Hale.....	P. O. Box 747, Cullman 35055-0747
5	JEFFERSON, SHELBY, TUSCALOOSA, WALKER, WINSTON Charles Davidson.....	Route 9, Box 439-K, Jasper 35501
6	COLBERT, FAYETTE, FRANKLIN, LAMAR, MARION, PICKENS, WINSTON Roger Bedford.....	P.O. Box 669, Russellville 35653
7	MADISON Dewayne Freeman.....	P.O. Box 3069, Huntsville 35810
8	DEKALB, JACKSON, MADISON Lowell Barron.....	P.O. Box 65, Fyffe 35971
9	BLOUNT, DEKALB, MARSHALL Hinton Mitchem.....	P.O. Box 297, Albertville 35950

**ROSTER OF THE SENATE
OF ALABAMA-Continued**

- 10 ETOWAH, ST. CLAIR
Roy Smith.....753 Forrest Avenue, Gadsden 35901
- 11 COOSA, ELMORE, TALLADEGA
Dell Hill.....706 Selwood Road, Alpine 35014
- 12 CALHOUN
Doug Ghee.....P.O. Box 848, Anniston 36202
- 13 CHAMBERS, CHEROKEE, CLAY, CLEBURNE, DEKALB, LEE, RANDOLPH
Gerald Dial.....P.O. Box 248, Lineville 36266
- 14 BIBB, CHILTON, SHELBY
Bill Armistead.....6 Brush Creek Farms, Columbiana 35051
- 15 JEFFERSON
John Amari.....9636 Parkway East, Birmingham 35215
- 16 JEFFERSON, SHELBY
J. T. (Jabo) Waggoner.....Two Perimeter Park South
Birmingham 35243
- 17 JEFFERSON, ST. CLAIR
Jack Biddle, III.....2256 Pinehurst Drive, Gardendale 35071
- 18 JEFFERSON
Rodger Smitherman.....1919 Morris Avenue, Suite 1550
Birmingham 35203
- 19 JEFFERSON
Edward (E. B.) McClain.....3826 Troy Terrace, Brighton 35020
- 20 JEFFERSON
Sundra Escott-Russell.....P.O. Box 8343, Birmingham 35218
- 21 HALE, PICKENS, TUSCALOOSA
Phil Poole.....P.O. Box 609, Moundville 35474
- 22 BALDWIN, CHOCTAW, CLARKE, CONECUH, ESCAMBIA, MONROE, WASHINGTON
W. H. (Pat) Lindsey.....126 South Mulberry Street, Butler 36904

**ROSTER OF THE SENATE
OF ALABAMA-Continued**

- 23 CHOCTAW, CLARKE, CONECUH, DALLAS, LOWNDES, MARENGO, MONROE, WILCOX
Hank Sanders.....P.O. Box 1305, Selma 36702
- 24 GREENE, HALE, MARENGO, PERRY, SUMTER, TUSCALOOSA
Charles Steele, Jr.....3017 6th Street, Tuscaloosa 35401
- 25 ELMORE, MONTGOMERY
Larry Dixon.....P.O. Box 946, Montgomery 36106
- 26 MONTGOMERY
Charles Langford.....400 S. Union Street, Suite 205, Montgomery 36104
- 27 LEE, RUSSELL, TALLAPOOSA
T. D. (Ted) Little.....P.O. Box 2366, Auburn 36830-2366
- 28 BARBOUR, BULLOCK, HENRY, LEE, MACON, RUSSELL
George Clay.....P.O. Box 299, Tuskegee 36083
- 29 DALE, GENEVA, HENRY, HOUSTON
Chip Bailey.....P.O. Box 6791, Dothan 36302
- 30 AUTAUGA, BUTLER, CRENSHAW, DALE, ELMORE, LOWNDES, PIKE
Wendell Mitchell.....P.O. Box 225, Luverne 36049
- 31 COFFEE, COVINGTON, DALE, HOUSTON
Dwight Adams.....P. O. Box 1364, Enterprise 36331
- 32 BALDWIN, MOBILE
Albert Lipscomb.....P.O. Box 209, Magnolia Springs 36555
- 33 MOBILE
Michael Figures.....P. O. Box 10337, Prichard 36610
- 34 MOBILE
H. E. (Hap) Myers, Jr.....P.O. Box 135, Mobile 36601
- 35 MOBILE
Steve Windom.....P.O. Drawer 2025, Mobile 36652

**HOUSE OF REPRESENTATIVES
LEGISLATIVE DAYS
ORGANIZATIONAL SESSION 1995**

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JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1995

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, APRIL 18, 1995



Vol 1

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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1995**

FIRST DAY

**House of Representatives
Montgomery, Alabama
Tuesday, April 18, 1995**

JOURNAL

of the House of Representatives of the State of Alabama of the Regular Session of 1995, begun and held at the State House in the City of Montgomery, State of Alabama, on the third Tuesday in April, 1995, being the eighteenth day of the month in the Year of our Lord, One Thousand Nine Hundred and Ninety-Five, at 12 o'clock, M., on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, the House was called to order by Honorable James S. Clark, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Reverend James Arnell, St. John AME Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chris Borden, Pre-Pharmacy Student, Wallace State College, Cullman, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

RESOLUTIONS

The following resolutions were introduced:

By Representative Hammett:

H.R. 1. NOTIFY SENATE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Representative Hammett, the rules were suspended and the resolution, H.R. 1, was adopted.

Also:

By Representative Hammett:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives McMillan, Fuller and Hooper.

Also:

By Representative Hammett:

H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 p.m. on Tuesday, April 18, 1995, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House Chamber in the State Capitol for the joint session.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives McMillan, Fuller and Hooper.

Also:

By Representative Hammett:

H.J.R. 4. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, April 18, 1995, they adjourn to meet again on Thursday, April 20, 1995, and when they adjourn on Thursday they adjourn to meet again on Wednesday, May 3, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, May 4, 1995.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 4, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representatives Hammett and Sanderford:

H.J.R. 5. INVITING THE COMMANDANT OF THE UNITED STATES MARINE CORPS TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, General Carl E. Mundy, Jr. is a native Alabamian, a graduate of Lanier High School in Montgomery, and a graduate of Auburn University; and

WHEREAS, General Mundy has had a long and illustrious military career with many military accomplishments; and

WHEREAS, General Mundy currently serves as a Commandant of the United States Marine Corps; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request General Carl E. Mundy, Jr. to address a joint session of the Alabama Legislature on Thursday, April 20, 1995, at 1:30 p.m. whereupon the Alabama Senate and the Alabama House of Representatives will assemble in joint session in the House Chamber to hear his remarks.

BE IT FURTHER RESOLVED, That General Mundy be advised by copy of this resolution of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

MOTION TO SUSPEND RULES ADOPTED

The motion offered by Representative Hammett to suspend the rules in order to bring up for immediate consideration the foregoing resolution, H.J.R. 5, was adopted.

RESOLUTION ADOPTED

On motion of Representative Hammett, the resolution, H.J.R. 5, was adopted.

ELECTION PROCEDURES

Representative Hammett offered the following procedures for the election of members to the Legislative Council, the Alabama Building Commission, the Legislative Committee on Public Accounts and the Sunset Committee:

Motion for Election Procedures -- April 18, 1995

In accordance with Section 552.2 of Mason's Manual of Legislative Procedure, the following procedures will be followed for the election of members to the Legislative Council, the Alabama Building Commission, the Legislative Committee on Public Accounts and the Sunset Committee.

The elections will be held in the following order:

First -- Legislative Council

Second -- Building Commission

Third -- Public Accounts

Fourth -- Sunset

In each election, the following procedures will be followed:

1. The House voting machine will be opened by the Clerk for members to declare their candidacy.

2. The Clerk will prepare a ballot using the voting machine results on declaration of candidacies. The Clerk will distribute the ballots to members.

3. Each member will vote for the candidates of their choice. Each member must cast votes for the maximum number of candidates possible. Ballots that do not include votes for the maximum number of candidates possible will be invalid and will not be counted.

4. Ballots will be counted to establish a majority.
5. Those candidates receiving a majority of the votes cast will be declared elected.
6. Subsequent ballots, if necessary, will be prepared by the Clerk to reflect the remaining candidates. This process will be repeated until the number of committee positions authorized by statute have been filled by election.

MOTION TO ADOPT OFFERED

Representative Hammett offered the motion to adopt the foregoing Election Procedures.

SUBSTITUTE OFFERED

Representative McKee offered the following substitute to the Election Procedures offered by Representative Hammett:

Motion for Election Procedures -- April 18, 1995

In accordance with Section 552.2 of Mason's Manual of Legislative Procedure, the following procedures will be followed for the election of members to the Legislative Council, the Alabama Building Commission, the Legislative Committee on Public Accounts and the Sunset Committee.

The elections will be held in the following order:

First -- Legislative Council

Second -- Building Commission

Third -- Public Accounts

Fourth -- Sunset

In each election, the following procedures will be followed:

1. The House voting machine will be opened by the Clerk for members to declare their candidacy.
2. The Clerk will prepare a ballot using the voting machine results on declaration of candidacies. The Clerk will distribute the ballots to members.
3. Each member will vote for the candidates of their choice.

4. Ballots will be counted to establish a majority.

5. Those candidates receiving a majority of the votes cast will be declared elected.

6. Subsequent ballots, if necessary, will be prepared by the Clerk to reflect the remaining candidates. This process will be repeated until the number of committee positions authorized by statute have been filled by election.

SUBSTITUTE ADOPTED

And the substitute offered by Representative McKee was adopted.

Yeas 54; Nays 36.

Yea:

Representatives Bandy, Black (L), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Graham, Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Holmes, Hooper, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), McClammy, McKee, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Warren, White and Wren.

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Nay:

Mr. Speaker, Black (M), Box, Carothers, Carter, Collins, Dolbare, Drake, Ford, Fuller, Gipson, Guin, Hamilton, Hammett, Hawk, Hinshaw, Hogan, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, Morrison, Morrow, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Reed, Smith, Turner, Turnham and Venable.

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ELECTION PROCEDURES ADOPTED

And the Election Procedures, as amended, was adopted.

Yeas 15; Nays 0.

Yea:

Representatives Baker, Box, Buskey, Hall (A), Hill, Hilliard, Johnson (R), Laird, McDaniel, Page, Parker (T), Penry, Starkey, Turner and Warren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Sanderford and Page:

H.J.R. 6. HONORING GENERAL CARL E. MUNDY, JR., COMMANDANT UNITED STATES MARINE CORPS.

The resolution, H.J.R. 6, was read and referred to the Standing Committee on Rules.

Also:

By Representative Payne:

H.R. 7. VIGOROUSLY URGING THE MODIFICATION OF THE REMEDY ORDER IN THE SCHOOL EQUITY FUNDING LAWSUIT.

The resolution, H.R. 7, was read and referred to the Standing Committee on Rules.

Also:

By Representative Payne:

H.J.R. 8. VIGOROUSLY URGING THE MODIFICATION OF THE REMEDY ORDER IN THE SCHOOL EQUITY FUNDING LAWSUIT.

The resolution, H.J.R. 8, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kennedy, Turner, Buskey, Clark (W), Mitchell, Gaston, Dean, Pringle, Crigler and Box:

H.J.R. 9. MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

The resolution, H.J.R. 9, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

Representatives Kennedy, Turner, Buskey, Clark (W), Crigler, Mitchell, Gaston, Dean, Pringle, Box, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (J), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 10. MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

Also:

By Representatives Hall (A) and Hinshaw:

H.R. 11. COMMENDING THE HAZEL GREEN LADY TROJANS, STATE 5A BASKETBALL CHAMPIONS.

Also:

By Representatives Hall (A) and Hinshaw:

H.R. 12. COMMENDING THE BUCKHORN BUCKS BASKETBALL TEAM OF NEW MARKET, ALABAMA, FOR WINNING THE CLASS 5A STATE BASKETBALL TITLE.

Also:

The following resolutions were introduced:

By Representatives Hall (A), Hinshaw, Papucci, Jorgensen, Sanderford, Hall (L), Robinson, Parker (P) and Carter:

H.R. 13. CONDEMNING THE FAILURE OF THE GOVERNING BODY OF THE CITY OF HUNTSVILLE TO FOLLOW APPROPRIATE PROCEDURE IN SELECTING THE MEMBERS OF THE BOARD OF DIRECTORS OF THE HUNTSVILLE HOSPITAL.

The resolution, H.R. 13, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Boyd and Sims:

H.J.R. 14. DESIGNATING ALABAMA HIGHWAY 275 AT HIGHWAY 77 IN TALLADEGA COUNTY, "THE JIMMY GRANT FREEMAN BYPASS."

The resolution, H.J.R. 14, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Hinshaw and Hall (A):

H.R. 15. COMMENDING THE RIVERTON LADY WOLVES ON THEIR 1994-1995 MADISON COUNTY BASKETBALL CHAMPIONSHIP.

Also:

By Representatives Hinshaw and Hall (A):

H.R. 16. MOURNING THE DEATH OF DR. LYNN FANNING.

Also:

The following resolutions were introduced:

By Representatives Morrow, Hall (A), Page, Drake, Starkey, Hill, Millican, Knight (A), Hawk and Morrison:

H.J.R. 17. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

The resolution, H.J.R. 17, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Morrow, Hall (A), Millican, Starkey, Black (M) and Hamilton:

H.J.R. 18. MOURNING THE TRAGIC DEATH OF ANDREA GONZALEZ.

The resolution, H.J.R. 18, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.J.R. 19. URGING RESISTANCE TO AND TOTAL REJECTION OF ANY ATTEMPT BY THE FEDERAL GOVERNMENT TO INTERJECT ITSELF INTO THE EDUCATIONAL AFFAIRS OF THE STATE.

The resolution, H.J.R. 19, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 20. COMMENDING VINCENT BRADLEY NEWBILL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 20, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 21. COMMENDING DOROTHY A. GILROY KNAPP FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 21, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 22. COMMENDING VICTOR A. MCSWAIN, P.E. OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

The resolution, H.J.R. 22, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gipson and Smith:

H.J.R. 23. COMMENDING JIMMY SANFORD OF PRATTVILLE, ALABAMA.

The resolution, H.J.R. 23, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gipson:

H.J.R. 24. COMMENDING THE AUTAUGAVILLE HIGH SCHOOL EAGLES AS THE 1995 STATE CLASS 1A BASKETBALL CHAMPIONS.

The resolution, H.J.R. 24, was read and referred to the Standing Committee on Rules.

Also:

By Representative Parker (T):

H.J.R. 25. COMMENDING DONALD R. JORDAN AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR.

The resolution, H.J.R. 25, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Parker (T):

H.R. 26. COMMENDING DONALD R. JORDAN AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR.

Also:

The following resolution was introduced:

By Representative Parker (T):

H.J.R. 27. RECOGNIZING WITH COMMENDATION THE 175TH ANNIVERSARY OF COKER BAPTIST CHURCH.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Parker (T):

H.R. 28. RECOGNIZING WITH COMMENDATION THE 175TH ANNIVERSARY OF COKER BAPTIST CHURCH.

SENSE OF THE HOUSE

On the motion offered by Representative Holmes as to whether the Confederate Flag should be removed from the House Chamber, the Sense of the House was that the flag was to remain.

Yeas 56; Nays 23.

Yea:

Representatives Allen, Black (M), Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hill, Hogan, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Dukes, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, McClammy, Melton, Minnifield, Mitchell, Perdue, Reed, Rogers (J), Spratt and Thomas (J).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Carns, Hawkins, Gaines, Dukes, Turner, Fuller, Galliher and Morrison intended to vote "Yea" and Representatives Knight (J) and McAdory intended to vote "Nay" on the Sense of the House as to whether the Confederate Flag should be removed from the House Chamber.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced severally, read one time and formally referred to the same committees as follows:

By Representative Dolbare (With Notice and Proof):

H. 1. Relating to Washington County; requiring the Washington County Tax Collector to be responsible for all delinquent tax collections.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 1, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare (With Notice and Proof):

H. 2. To alter or rearrange the boundary lines of the Town of Toxey, Choctaw County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 2, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Page:

H. 3. To amend Section 41-10-44.4, Code of Alabama 1975, to provide that a corporation, partnership, trust, or other form of business entity which has filed for bankruptcy, or a joint venture, which includes a business entity with at least a 35 percent interest in the joint venture which has filed for bankruptcy, may not be designated as an approved company.

COMMITTEE ON STATE ADMINISTRATION

By Representative Clouse (With Notice and Proof):

H. 4. To provide for the implementation of a constitutional amendment

authorizing the county commission to regulate the operation of bingo in Dale County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 4, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clouse:

H. 5. Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Dale County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Page:

H. 6. To amend Section 32-6-272, Code of Alabama 1975, relating to distinctive tags for firefighters; to provide that active members of a certified volunteer fire department would be exempt from the payment of privilege or license taxes and registration fees for a distinctive license tag for one vehicle.

COMMITTEE ON WAYS AND MEANS

By Representative White:

H. 7. Relating to the Teachers' Retirement System; opening the system for purchase of a maximum of two years credit for certain prior service rendered in parochial schools in the state by certain active members; providing for the manner of payment of the cost of the prior service credit; and providing for the expiration of the reopening period.

COMMITTEE ON WAYS AND MEANS

By Representative White:

H. 8. To amend Section 16-25-11.4, Code of Alabama 1975, to provide further for purchase of certain service credit in the Teachers' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representative Flowers:

H. 9. To amend Section 33-1-1 of the Code of Alabama 1975, relating to the Alabama State Docks Department, to provide that public funds shall not be expended for entertainment purposes if the entertainment involves immoral activities.

COMMITTEE ON STATE ADMINISTRATION

By Representative Willis:

H. 10. To exempt all property owned and used by the Farley L. Berman Foundation, Inc., from any state, county, and local ad valorem taxes, and to provide for a retroactive effect.

COMMITTEE ON WAYS AND MEANS

By Representative Willis:

H. 11. To amend Section 40-12-290 of the Code of Alabama 1975, relating to the issuance of antique vehicle license plates or tags by the Commissioner of Revenue, to provide for the issuance of permanent antique vehicle license plates by the judge of probate of each county, to increase the fee for license plates or tags, to provide for definitions, and to specify the size and description of the license plates; to provide for penalties for certain uses of antique vehicles; and to specifically repeal Sections 40-12-291 and 40-12-295 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Dolbare:

H. 12. To exempt the Clark County Historical Society from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by the organization from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Reed:

H. 13. To provide for an early voting period prior to the date of the actual election in addition to absentee voting.

COMMITTEE ON CONSTITUTION AND ELECTIONS

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By Representative Papucci:

H. 14. To amend Sections 16-9-2 and 16-9-8, Code of Alabama 1975, relating to county superintendents of education, to authorize the Legislature, by local law, to provide for residency requirements and exceptions to the time elected county superintendents of education take office.

COMMITTEE ON EDUCATION

By Representative Hammett:

H. 15. To provide for a proxy declaration authorizing the withholding of life-support and life-sustaining procedures where a patient on life-support has not executed a written declaration.

COMMITTEE ON HEALTH

By Representative Hammett:

H. 16. To require a charitable organization and certain other persons to place a disclosure label in a conspicuous place on a container or other receptacle with products for offer of sale for the purpose of soliciting funds or donations for a charitable purpose; to define the crime of unlawful charitable solicitation; to provide misdemeanor penalties for violations of this act; and to provide exceptions.

COMMITTEE ON JUDICIARY

By Representative Hammett:

H. 17. To amend Section 17-4-138 of the Code of Alabama 1975, to limit the collection of the \$.05 fee per name from the list of qualified electors to judges of probate who are compensated on the fee system.

COMMITTEE ON LOCAL GOVERNMENT

By Representative McKee:

H. 18. Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Dolbare (With Notice and Proof):

H. 19. Relating to Clarke County; providing for the pistol permit fee of the sheriff; providing for the distribution of the funds; providing for the establishment of a fund known as "The Sheriff's Fund"; providing for an audit of the funds; and providing for the repeal of Act No. 294. H. 1052, 1977 Regular Session (Acts 1977, p. 396).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Page:

H. 20. To amend Section 32-6-350 of the Code of Alabama 1975, relating to distinctive license tags for certain veterans, to provide that the local veterans affairs officer in the county in which application is made to certify eligibility of a Vietnam Veteran for the tag.

COMMITTEE ON MILITARY AFFAIRS

By Representative Gaston:

H. 21. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may initiate the enactment of general laws or constitutional amendments by an initiative or may reject statutes or local resolutions and ordinances by local governing bodies through the procedure of referendum petition and election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Curry:

H. 22. To amend Section 17-4-129, Code of Alabama 1975, to provide further for publication of lists of registered voters.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Curry:

H. 23. To exempt all property owned and used by the Greater Birmingham Humane Society and all property owned and used by the Birmingham PATH Program from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 24. To amend Section 13A-10-1, Code of Alabama 1975, relating to definitions in offenses relating to obstruction of public administration, to include volunteer firefighters in the definition of "Firemen" and the fire control activities of volunteer fire departments in the definition of "Governmental Function."

COMMITTEE ON STATE ADMINISTRATION

By Representative Knight (J):

H. 25. To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesigned contributions.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hammett:

H. 26. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

COMMITTEE ON JUDICIARY

By Representative Flowers:

H. 27. To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

COMMITTEE ON HEALTH

By Representative Box:

H. 28. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 29. To amend Section 9-11-7 of the Code of Alabama 1975, to authorize a district attorney's fee to be taxed against the defendant in the district courts of this state in cases involving violations of the game and fish laws or rules and regulations in the same manner as a district attorney's fee is taxed and collected in all other cases in the district courts of this state.

COMMITTEE ON WAYS AND MEANS

By Representative McKee:

H. 30. Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative McKee (With Notice and Proof):

H. 31. Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officials for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number of voting machines. This shall be in addition to the compensation established by Section 17-6-13 of the Code of Alabama 1975, as amended.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 31, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Holmes:

H. 32. To amend Section 36-13-6, Code of Alabama 1975, to allow the Governor to reside in the Governor's Mansion by paying rent established by the Legislative Council; and to prohibit the purchase of food or food items for the Governor or his or her immediate family with public funds.

COMMITTEE ON STATE ADMINISTRATION

By Representative Laird:

H. 33. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Venable:

H. 34. Proposing an amendment to the Constitution of Alabama of 1901; relating to term of office of certain constitutional officers; providing further for when the terms of office of certain constitutional officers commence and specifically repealing Section 116, Article V, as amended by Amendment No. 282, of the Constitution of Alabama of 1901.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Venable (With Notice and Proof):

H. 35. Relating to Elmore County; amending Section 1 of Act No. 91-539, H. 1094, 1991 Regular Session, relating to the compensation of the coroner of Elmore County, to further provide for the compensation of the coroner and assistant coroners of Elmore County; and specifically repealing Act No. 83-691, H. 677 of the 1983 Regular Session, relating to the coroner's compensation.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 35, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Venable:

H. 36. To provide for the nonpartisan election of judges; to amend Sections 17-7-20, 17-6-20, 17-8-1, 17-8-4, and 17-16-18 of the Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 37. To provide a procedure by which a single adult could provide for the disposition of his or her remains after death.

COMMITTEE ON HEALTH

By Representative Venable:

H. 38. To replace the language in Article VIII of the Constitution of Alabama of 1901 by repealing the existing Article VIII and proposing a new Article VIII; to provide eligibility requirements for voting; and to provide that the Legislature would, by statute, provide for registration to vote, secrecy in voting, the administration of elections, and the nomination of candidates.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Newton (D):

H. 39. To provide for deferments of income from state income tax to the same extent as is provided from federal income tax under certain plans and arrangements provided in Sections 401(k) and 457 of the United States Internal Revenue Code.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 40. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 41. Relating to the offense of driving under the influence of alcohol and drugs; to amend Section 32-5A-191, Code of Alabama 1975; to reduce the blood alcohol level necessary to create the presumption of driving under the influence from 0.10 percent or more by weight of alcohol to 0.08 percent and to increase the fine for each conviction.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 42. To amend Section 4 of Act 93-133, H. 285, 1993 Regular Session, to remove the expiration date of the increase in fees provided in Act 92-227, H. 605, 1992 Regular Session.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 43. Relating to the imposition of additional fines for persons convicted of driving under the influence of a controlled substance or alcohol; providing for the distribution of the funds collected; providing for the creation of the Alabama Chemical Testing Trust Fund Advisory Board and the Alabama Chemical Testing Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 for the 1996 fiscal year.

COMMITTEE ON WAYS AND MEANS

By Representative Morrison:

H. 44. To make a supplemental appropriation from the Board of Veterinary Medical Examiners Fund in the State Treasury to the Board of Veterinary Medical Examiners for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaines and McDaniel:

H. 45. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

COMMITTEE ON BUSINESS AND LABOR

By Representative McKee:

H. 46. To repeal Section 8 of Act No. 94-322, S. 282, 1994 Regular Session, now appearing as Section 3-8-1, Code of Alabama 1975, which provides that it is illegal to own, maintain, sell, or trade any canidae or felidae for which there is no USDA licensed rabies vaccine.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Clark (W):

H. 47. To make a supplemental appropriation from the General Fund in the State Treasury to the Africatown, U.S.A. State Park in Prichard, Alabama, for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Warren:

H. 48. To amend Sections 9-16-4 and 9-16-8 of the Code of Alabama of 1975, to exempt a person operating a noncommercial surface mining operation on his or her property for their use from the permitting and bonding requirements.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative McDaniel:

H. 49. To amend Section 40-12-176, Code of Alabama 1975, to provide that a violation of this section shall constitute a Class A misdemeanor; to repeal the requirement that tobacco product vending machines have a transparent front window or windows; to require that the machine owner's telephone number be displayed along with the owner's name and street address; and to clarify certain language.

COMMITTEE ON JUDICIARY

By Representative McDaniel:

H. 50. To amend Section 40-10-6, Code of Alabama 1975, to allow publication by the tax collector of notices of land sales for delinquent taxes to be placed in any newspaper or newspapers published in the county.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Graham:

H. 51. To exempt the Habitat for Humanity Organization from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Graham:

H. 52. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

COMMITTEE ON WAYS AND MEANS

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Curry:

H. 53. To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Papucci:

H. 54. To amend Section 33-12-2, Code of Alabama 1975, to provide further for the board of directors of the Elk River Development Agency.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Turner:

H. 55. To amend Section 32-6-291, Code of Alabama 1975, relating to the issuance of distinctive motor vehicle license plates to retired military persons, national guard retirees, and military reservists with 20 years of service, to provide that persons with 15 years of service may be issued the distinctive license plates.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 56. To provide that the work week of the Department of Conservation and Natural Resources would begin on Saturday of each week.

COMMITTEE ON STATE ADMINISTRATION

By Representative Clark (W):

H. 57. To make a supplemental appropriation from the General Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Galliher:

H. 58. To provide distinctive motor vehicle license tags or plates for members of the Masons; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 59. To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

COMMITTEE ON STATE ADMINISTRATION

By Representative Curry:

H. 60. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

COMMITTEE ON JUDICIARY

By Representative Clark (J) (With Notice and Proof):

H. 61. Relating to Henry County; amending Act No. 93-386, H. 828, 1993 Regular Session, which provided for additional court costs, to provide further for those costs.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 61, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Papucci:

H. 62. To further provide for filling vacancies in the elected office of municipal governing bodies, at the option of the municipal governing body, by either special election or by appointment; and to provide for the conduct of special elections.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Page and Hill:

H. 63. To grant a waiver from the levy of a utility customer charge if a member of the household receiving the service receives Supplemental Security Income or Aid to Families with Dependent Children benefits.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Page:

H. 64. To require notice and a hearing before the Department of Human Resources revokes or refuses to renew the license or the approval of a child care facility, or refuses to issue a full license to the holder of a six-month permit.

COMMITTEE ON PUBLIC WELFARE

By Representatives Page, Morrow, and Hill:

H. 65. Relating to the Department of Public Safety; to establish the Motor Vehicle Replacement Fund to replace the Department of Public Safety law enforcement motor vehicles.

COMMITTEE ON WAYS AND MEANS

By Representatives Page, Guin, and Morrow:

H. 66. To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Page:

H. 67. To provide for the regulation of consumer debt collectors, and provide penalties for violations.

COMMITTEE ON BANKING

By Representatives Hawkins and Fuller:

H. 68. Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education, and supervision.

COMMITTEE ON HEALTH

By Representatives Hawkins and Fuller:

H. 69. To provide for the use of safety belts by adults and children, with exceptions; to establish the "Alabama Safety Belt Use Act"; to provide for fines and punishment for violators; to repeal Sections 32-5B-1 to 32-5B-7, inclusive, Code of Alabama 1975, relating to the use of safety belts; and to provide for a delayed effective date.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Page:

H. 70. To establish the "Prevention of Youth Access to Tobacco Act of 1995"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; and to repeal Section 13A-12-3, Code of Alabama 1975, relating to selling cigarettes to minors.

COMMITTEE ON PUBLIC WELFARE

By Representatives Hammett, Clark (J), Hooper, Ford, Newton (C), Haney, Moore, Warren, Wren, Jorgensen, White, Baker, Curry, Sanderson, McDaniel, Black (M), Letson, and Carter:

H. 71. To amend Sections 6-6-1 and 8-1-41 of the Code of Alabama 1975, relating to arbitration, so as to make agreements to arbitrate future controversies enforceable.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Sims, Vance, Curry, McKee, Papucci, Carns, Gaines, McMillan, Jorgensen, Dean, Townsend, Seibenhener, Thomas (D), Hill, Crigler, Guin, Willis, and Moore:

H. 72. To require valid photographic identification for all registered voters to be presented prior to being allowed to participate in any election held in this state.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Ford, Galliher, and Page (With Notice and Proof):

H. 73. Relating to Etowah County; levying a sales and use tax effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 73, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives White, Warren, and Hooper:

H. 74. To amend Section 29-2-20, Code of Alabama 1975, to add additional members to the Joint Prison Committee.

COMMITTEE ON STATE ADMINISTRATION

By Representative White:

H. 75. To provide for a subsistence allowance for certain employees of the Department of Corrections.

COMMITTEE ON STATE ADMINISTRATION

By Representative White:

H. 76. To authorize sheriffs to provide jail concession stores and telephone services for jail prisoners, and to contract for liability insurance; to provide for the use of the proceeds from those stores and services for law enforcement purposes; and to authorize audits of money collected pursuant to this act.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Sanderson, Flowers, Box, Hooper, Layson, Hall (A), Hinshaw, Gaston, Wren, Guin, and Black (M):

H. 77. To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

COMMITTEE ON HEALTH

By Representative Parker (P) (With Notice and Proof):

H. 78. Relating to the compensation of the Morgan County Superintendent of Education; amending Section 1 of Act No. 91-477, H. 578 of the 1991 Regular Session (Acts 1991, p. 865), to further provide for the salary.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 78, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (P):

H. 79. To amend Section 29-1-13, Code of Alabama 1975, relating to the preparation and delivery of the journals of the House of Representatives and Senate; to provide that each member of the Legislature shall receive one copy of the House and Senate Journals.

COMMITTEE ON STATE ADMINISTRATION

By Representative Morrow:

H. 80. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the jurisdiction of the Franklin County School System.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Morrow:

H. 81. To amend Section 25-4-10 of the Code of Alabama 1975, which defines the term "employment" for unemployment compensation purposes, to exempt persons in the employ of the State National Guard or Air National Guard.

COMMITTEE ON BUSINESS AND LABOR

By Representative Morrow:

H. 82. Relating to alcoholic beverages, requiring specified licensees to maintain a specified amount of liability coverage for any action brought under Section 6-5-71 of the Code of Alabama 1975; requiring the Alcoholic Beverage Control Board to approve the coverage; specifying certain reporting requirements; and providing for the revocation of a license.

COMMITTEE ON SMALL BUSINESS

By Representative Morrow:

H. 83. To provide for the purchase of a maximum of two years' credit under the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama by active and contributing members of the system for employment as a temporary state employee, and to provide a method of payment where the member pays the total cost of the credit.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (P):

H. 84. To amend Section 12-16-37 of the Code of Alabama 1975, relating to compensation for the clerk of the jury commission, to provide further for the compensation.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Parker (P) and Gipson:

H. 85. Relating to antique tags; to amend Section 40-12-290, of the Code of Alabama 1975, to limit the type of vehicle which may qualify for issuance of an antique tag for vehicles after October 1, 1995; to limit the use of the antique tag; to provide penalties; to amend Section 40-12-293, of the Code of Alabama 1975, to provide that antique vehicle tags shall be subject to the same transfer procedure as regular tags for other motor vehicles; and to repeal Section 40-12-295 of the Code of Alabama 1975, requiring the Department of Revenue to furnish the sheriff of each county a list of persons registered as operators of motor vehicles with antique tags.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (P) (With Notice and Proof):

H. 86. Relating to Morgan County; to authorize the establishment and operation of a county archives; and to provide for funding and staffing of the archives.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 86, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (P):

H. 87. To amend Section 41-9-141, Code of Alabama 1975, to exempt certain contracts for educational facilities from the approval authority of the State Building Commission.

COMMITTEE ON STATE ADMINISTRATION

By Representative Black (L) (With Notice and Proof):

H. 88. Relating to Sumter County; providing for the distribution of certain funds received by the county from the disposal of hazardous waste; and to provide for retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 88, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Black (L):

H. 89. To require the Alabama Department of Environmental Management to give notice to the governing authority of any county, city, or town before issuing a permit for any facility for the treatment, disposal, or storage of hazardous waste within the county, city, or town.

COMMITTEE ON STATE ADMINISTRATION

By Representative Parker (P):

H. 90. To require that any Alabama high school student who successfully completes a state-approved advanced placement course and who earns a certain

score on the Educational Testing Service Advanced Placement Examination shall be granted, without further examination, a minimum number of semester or quarter hours of undergraduate credit in such a course at any publicly supported institution of postsecondary or higher education in the State of Alabama in which the student enrolls.

COMMITTEE ON EDUCATION

By Representative Turnham:

H. 91. To amend Section 34-6-12, Code of Alabama 1975, relating to gambling and sale of intoxicating liquors in billiard rooms, to allow the sale of intoxicating liquors in billiard rooms in Class 6 municipalities.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Turnham, Johnson (R), and Box:

H. 92. To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Turnham, Kennedy, Hooper, Gipson, and Buskey:

H. 93. To provide for the establishment by the Alabama Commission on Higher Education in conjunction with the State Board of Education of a technology pilot program for computer-based teaching of Algebra I in the public schools of this state and make an appropriation to the Commission on Higher Education for the purchase of computer equipment, for the training of math teachers in the public schools and colleges participating in the program, and for an evaluation of the pilot program.

COMMITTEE ON WAYS AND MEANS

By Representatives Page, Petelos, and Morrow:

H. 94. To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Millican, Morrow, and Page:

H. 95. To amend Section 36-27-70, Code of Alabama 1975, to reopen the Employees' Retirement System for certain prior service as a city or county employee.

COMMITTEE ON WAYS AND MEANS

By Representatives Millican, Guin, Morrow, Page, and Turner:

H. 96. To provide that persons over the age of 65 years would receive a 50 percent discount on the amount of certain fees charged for the use of the state parks.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representatives Millican, Guin, Morrow, Page, and Turner:

H. 97. To amend Section 32-6-4 of the Code of Alabama 1975, providing for the fee for a driver's license or nondriver identification card, to further provide for the fee for a nondriver identification card to be paid by a person who is legally blind.

COMMITTEE ON WAYS AND MEANS

By Representatives Millican and Smith:

H. 98. To prohibit the stocking or placing of certain striped bass into the waters of the Lewis Smith Dam Reservoir; to provide for misdemeanor penalties for violation of this act; and to provide an effective date.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representative Smith:

H. 99. To amend Section 36-26-36, Code of Alabama 1975, to provide further for partial payment for accrued sick leave for certain state employees.

COMMITTEE ON WAYS AND MEANS

By Representative Smith:

H. 100. To define the crime of electronically furnishing obscene materials to minors; to provide penalties including the forfeiture of certain property; to provide for extradition; and to provide for cumulative effect.

COMMITTEE ON JUDICIARY

By Representative Smith (With Notice and Proof):

H. 101. Relating to Chilton County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 101, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Smith:

H. 102. Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

COMMITTEE ON JUDICIARY

By Representative Smith (With Notice and Proof):

H. 103. Relating to Chilton County; providing for an additional expense allowance and salary for the coroner; and providing for the expiration of the expense allowance.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 103, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Newton (D):

H. 104. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase

the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

COMMITTEE ON JUDICIARY

By Representatives Knight (J), Hilliard, Hall (L), Baker, Rogers (J), Jackson, Buskey, Holmes, Newton (D), Houston, Kennedy, McClammy, Minnifield, and Maull:

H. 105. To require the Department of Corrections to establish policies and procedures to ensure that all inmates would have a structured work day; and to prohibit the department from utilizing chains, shackles, leg irons, or other similar devices to confine inmates except in cases where the restraints are required to ensure safe transport of or to subdue an inmate.

COMMITTEE ON JUDICIARY

By Representative Newton (D):

H. 106. To amend Section 40-23-4, Code of Alabama 1975, relating to an exemption from the state sales tax of the gross proceeds of sales of admissions to theatrical, ballet, opera, and symphonic productions or other orchestral concerts presented by certain organizations, to exempt from the state sales tax the gross proceeds from sales of admissions to theatrical productions, symphonic or other orchestral concerts, ballets, or opera productions when the concerts or productions are presented by an not-for-profit corporation or other entity organized under Alabama law.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 107. To provide for the appropriation of an amount equal to seventy-five percent (75%) of the amount appropriated for a newly created judgeship to the district attorney of the affected circuit to provide prosecution services to that court.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 108. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

COMMITTEE ON JUDICIARY

By Representatives Hill and Knight (A):

H. 109. To propose an amendment to the Constitution of Alabama of 1901, for Shelby County, providing further for license taxes on certain real estate operations and transactions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Hill:

H. 110. Relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code; to repeal the current Article 3 and provide for a new Article 3 regarding Negotiable Instruments and to provide for all of the following: short title, subject matter, definitions, negotiable instrument, issue of instrument, unconditional promise or order, instrument payable in foreign money, payable on demand or at definite time, payable to bearer or to order, identification of person to whom instrument is payable, place of payment, interest, date of instrument, contradictory terms of instrument, incomplete instrument, joint and several liability and contribution, other agreements affecting instrument, statute of limitations, notice of right to defend action, negotiation, negotiation subject to rescission, transfer of instrument and rights acquired by transfer, indorsement, special indorsement, blank indorsement, anomalous indorsement, restrictive indorsement, reacquisition, person entitled to enforce instrument, holder in due course, value and consideration, overdue instrument, defenses and claims in recoupment, claims to an instrument, notice of breach of fiduciary duty, proof of signatures and status as holder in due course, enforcement of lost, destroyed, or stolen instrument, effect

of instrument on obligation for which taken, accord and satisfaction by use of instrument, lost, destroyed, or stolen cashier's check, teller's check, or certified check, signature, signature by representative, unauthorized signature, imposters and fictitious payees, employer's responsibility for fraudulent indorsement by employee, negligence contributing to forged signature or alteration of instrument, alteration, drawee's liability on unaccepted draft, acceptance of draft and certified check, acceptance varying draft, refusal to pay cashier's checks, teller's checks, and certified checks, obligation of issuer of note or cashier's check, obligation of acceptor, obligation of drawer, obligation of indorser, transfer warranties, presentment warranties, payment or acceptance by mistake, instruments signed for accommodation, conversion of instrument, presentment, dishonor, notice of dishonor, excused presentment and notice of dishonor, evidence of dishonor, discharge and effect of discharge, payment, tender of payment, discharge by cancellation or renunciation, discharge of indorsers and accommodation parties; also relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code, to repeal the current Article 4 and provide for a new Article 4 regarding Bank Deposits and Collections and to provide for all of the following: short title, applicability, variation by agreement, measure of damages, action constituting ordinary care, definitions and index of definitions, bank, depository bank, payor bank, intermediary bank, collecting bank, presenting bank, payable through or payable at bank, collecting bank, separate office of bank, time of receipt of items, delays, electronic presentment, statute of limitations, status of collecting bank as agent and provisional status of credits, applicability of article, item indorsed pay any bank, responsibility for collection or return, when action timely, effect of instructions, methods of sending and presenting, sending directly to payor bank, depository bank holder of unindorsed item, transfer between banks, transfer warranties, presentment warranties, encoding and retention warranties, security interest of collecting bank in items, accompanying documents and proceeds, when bank gives value for purposes of holder in due course, presentment by notice of item not payable by, through, or at bank, liability of drawer or indorser, medium and time of settlement by bank, right of charge-back or refund, liability of collecting bank, return of item, final payment of item by payor bank, when provisional debits and credits become final, when certain credits become available for withdrawal, insolvency and preference, deferred posting, recovery of payment by return of items, time of dishonor, return of items by payor bank, payor bank's responsibility for late return of item, when items subject to notice, stop-payment order, legal process, setoff, order in which items may be charged or certified, when bank may charge customer's account, bank's liability to customer for wrongful dishonor, time of determining insufficiency of account, customer's right to stop payment, burden of proof of loss, bank not obliged to pay check more than six months old, death or incompetence of customer, customer's duty to discover and report unauthorized signature or alteration, payor bank's right to subrogation on improper payment, handling of documentary drafts, duty to send for presentment and to notify customer of dishonor, presentment of on arrival drafts, responsibility of presenting bank for documents and goods, report of reasons for dishonor, referee in case of need, privilege of presenting bank to deal with goods, and security interest for expenses; to repeal Section 5-5A-34 of the Code of Alabama 1975, regarding payment of postdated checks; to amend Section 5-19-5 of the Code of Alabama

1975, relating to the acceptance of certain negotiable instruments as evidence of consumer debt to alter the types of instruments that may be accepted; to amend Section 6-2-2 of the Code of Alabama 1975, regarding the applicability of the chapter concerning limitations of actions to specify the chapter shall not apply to certain negotiable instruments; to amend Section 7-1-201 of the Code of Alabama 1975, relating to certain defined terms under the Uniform Commercial Code to define holder, money, unauthorized signature, and value; to amend Section 7-1-207 of the Code of Alabama 1975, regarding performance or acceptance under reservation of rights to specify the section does not apply to an accord and satisfaction; to amend Section 7-2-103 of the Code of Alabama 1975, to conform the internal citation of the term dishonor to this act; to amend Section 7-2-511 of the Code of Alabama 1975, to conform an internal citation regarding the effect of an instrument on an obligation to this act; to amend Section 7-5-103 of the Code of Alabama 1975, relating to definitions regarding letters of credit to conform an internal citation concerning the term accept or acceptance to this act; to amend Section 7-9-105 of the Code of Alabama 1975, relating to certain definitions concerning security interests to conform an internal citation to this act; to amend Section 7-9-203 of the Code of Alabama 1975, relating to attachment and enforceability of a security interest to conform an internal citation to this act and to specify application to a security interest arising under the article on leases; to amend Section 7-9-206 of the Code of Alabama 1975, relating to agreement not to assert defenses against assignee to conform the reference to Article 3 of Title 7 to this act; to amend Section 7-9-302 of the Code of Alabama 1975, regarding when a financing statement is required so as to conform an internal citation to this act; to amend Section 7-9-312 of the Code of Alabama 1975, relating to priorities among conflicting security interests in the same collateral to conform an internal citation to this act; and to provide a prospective effective date.

COMMITTEE ON BANKING

By Representative Hill:

H. 111. To amend Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, to provide further for the plan for linked deposits administered by the Office of the State Treasurer.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 112. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors with certain modifications; to amend Sections 34-11-4, 34-11-30, 34-11-31, and 34-11-36, Code of Alabama 1975, so as to provide further for reciprocity; to provide further for board membership qualifications; and to eliminate the requirement that excess appropriated funds transfer to the State General Fund at the end of the fiscal year.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hall (A) and Box:

H. 113. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects with certain modifications; to amend Sections 34-17-4, 34-17-21, 34-17-25, and 34-17-26, Code of Alabama 1975, so as to provide further for the use of the title "landscape architect" in a corporate or partnership name; to provide further for the submission of applications and the qualifications of applicants; to discontinue the issuance of temporary certificates; and to provide for reciprocity with other countries.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hogan and Box:

H. 114. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hogan and Box:

H. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy with certain modifications; to amend Sections 34-39-3, 34-39-5, 34-39-7, 34-39-8, and 34-39-10, Code of Alabama 1975, so as to provide for the referral by any licensed physician or dentist; to remove those provisions permitting certain short-term unlicensed practice in the state; to provide for the registration of occupational therapy practitioners; and to provide further for license requirements.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Holmes and Box:

H. 116. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Holmes and Box:

H. 117. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Section 34-25-5, Code of Alabama 1975, so as to provide compensation for advisory consultants.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects with certain modifications; to amend Section 34-2-33, Code of Alabama 1975, so as to provide further for the examination fee and to provide for reinstatement of a lapsed license.

COMMITTEE ON STATE ADMINISTRATION

By Representative Flowers (With Notice and Proof):

H. 119. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 119, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Flowers, Sanderson, Box, Hooper, Layson, Hall (A), Hinshaw, Gaston, Wren, Guin, and Black (M):

H. 120. To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

COMMITTEE ON HEALTH

By Representatives Flowers, Sanderson, Box, Hooper, Layson, Hall (A), Hinshaw, Gaston, Wren, Guin, and Black (M):

H. 121. To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in any health care field or practice as a licensed health care

professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

COMMITTEE ON HEALTH

By Representative Flowers:

H. 122. To provide that appeals from death sentence cases and from post conviction writs involving death sentence cases shall be made directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Millican and Dean:

H. 123. To provide for funding and payment of certain cost-of-living adjustments for retirees, surviving spouses, and designated beneficiaries of certain local units participating in the Employees' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 124. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 125. To amend Sections 30-5-2 and 30-5-5, Code of Alabama 1975, to further define the persons covered under The Protection From Abuse Act; to provide for the administration of the act and pro se legal proceedings to obtain protection from abuse orders.

COMMITTEE ON JUDICIARY

By Representatives Hooper, Warren, Carter, Ford, Dolbare, Fuller, Smith, Burke, Sanderson, Box, Moore, Gipson, Curry, Lindsey, Laird, Venable, Baker, Knight (A), Dukes, McMillan, Penry, Rogers (J), Layson, Collins, Vance, Turnham, and Galliher:

H. 126. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased

expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Hooper:

H. 127. To amend Section 40-18-19, Code of Alabama 1975, to provide further for exemptions from state income taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 128. Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of these metals; to permit certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 129. To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

COMMITTEE ON INSURANCE

By Representative Hooper:

H. 130. Prohibiting judges from soliciting campaign contributions from attorneys and providing penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 131. To amend Section 13A-6-21, Code of Alabama 1975, relating to assault in the second degree; to provide further that an assault in the third degree by an inmate against a state employee or judge shall be classified as an assault in the second degree.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 132. To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 133. To amend Section 36-21-4, Code of Alabama 1975, to provide that overtime pay or compensatory leave may be utilized for state law enforcement officers that work for departments that utilize a 28-day work period and to repeal Section 36-21-5, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 134. To amend Section 22-21-278 of the Code of Alabama 1975, exempting kidney disease treatment centers in certain municipalities from the certificate of need requirement; to increase the exemptions to those municipalities with 15 freestanding hemodialysis units.

COMMITTEE ON HEALTH

By Representatives Hammett, Clark (J), Carter, Fuller, Newton (D), Hooper, Hill, Knight (A), Moore, Clouse, Gaines, Gipson, Townsend, Wren, Laird, Turner, Allen, Morton, Gaston, Smith, Maull, Dean, and Collins:

H. 135. To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission

shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 136. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; and to provide for the appropriation of funds to the board.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 137. To amend Section 32-6-250, Code of Alabama 1975, relating to distinctive license plates, by authorizing the issuance of distinctive license plates to residents of this state who as a United States civilian during any armed conflict was held as a prisoner of war by forces hostile to the United States during any armed conflict.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 138. To amend Section 34-23-33, Code of Alabama 1975, to provide further for certain prohibited acts and offenses for licensed pharmacists and the disciplinary authority of the board of pharmacy.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 139. To amend Section 34-23-74, Code of Alabama 1975, to provide further for the stocking and dispensing of certain drugs.

COMMITTEE ON HEALTH

By Representatives Hawkins and Hammett:

H. 140. To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Fuller:

H. 141. This bill provides for the imposition of an additional user fee per new tire sold at retail and appropriates the funds received to the Department of Public Safety.

COMMITTEE ON WAYS AND MEANS

By Representative Buskey:

H. 142. To amend Section 14-3-3, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

COMMITTEE ON WAYS AND MEANS

By Representatives Warren, Jackson, Dolbare, and Hayden:

H. 143. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Newton (C):

H. 144. To amend Section 16-28-40, Code of Alabama 1975, to further condition the issuance of a driver's license to a person under the age of 19 who is enrolled in a secondary school on the person making satisfactory progress and passing grades in conduct.

COMMITTEE ON EDUCATION

By Representative Newton (C):

H. 145. To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquified petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Newton (C):

H. 146. To provide for the nonpartisan election of judges; to provide for a filing fee to be paid by judicial candidates, to be deposited into the State General Fund; to provide for filing with the Secretary of State of an affidavit of indigency in lieu of payment of the filing fee provided herein; and to amend Sections 17-7-20, 17-16-20, 17-8-1, 17-8-4, and 17-16-18 of the Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Morton:

H. 147. To require the reasonable posting of personnel vacancies by public school systems, public schools or colleges under the control of the State Board of Education, and certain other public educational institutions before the positions are filled.

COMMITTEE ON EDUCATION

By Representative Newton (C):

H. 148. To provide that the sale of real property owned by the State or any of its instrumentalities shall be subject to the State Competitive Bid Law.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McMillan, Dukes, Penry, Laird, Dolbare, Layson, Hamilton, Collins, and Reed:

H. 149. To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives McMillan, Gaston, Carter, and Papucci:

H. 150. To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

COMMITTEE ON STATE ADMINISTRATION

By Representative Carter:

H. 151. To authorize a retiree receiving a retirement allowance or optional benefit from the Employees' Retirement System of Alabama (ERS) to accept employment for compensation with the state, a county, an incorporated municipality, or a state, county, or municipal department or agency without having his or her retirement allowance or optional benefit suspended during the period of employment under certain conditions; to authorize a retiree receiving a retirement allowance or optional benefit from ERS who is elected by the public or appointed to serve for compensation in a public office with the state, a county, or an incorporated municipality, which is an office not covered by ERS, to serve in the public office without having to suspend his or her retirement allowance or optional benefit; to authorize any retiree receiving a retirement allowance or optional benefit from ERS who, in order to continue receiving the retirement allowance or optional benefit, waived his or her salary as an elected or appointed official pursuant to the provisions of Section 36-6-10, Code of Alabama 1975, on or after October 24, 1994, and continued service in the elective or appointive office without compensation, to apply for and be reimbursed the total amount of the waived compensation and to have his or her salary restored to its level prior to the waiver; and to authorize any retiree receiving a retirement allowance or optional benefit from ERS who, in order to continue receiving compensation for services as an elected or appointed official of the state, a county, or an incorporated municipality, suspended his or her retirement allowance or optional benefit on or after October 24, 1994, to apply for and be reimbursed the total amount of the suspended retirement allowance or optional benefit.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 152. To provide for a statewide voter file maintenance process; to provide that the state shall pay certain costs associated with the process; and to provide for certain supplemental effect.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Hawk:

H. 153. To require each local school board to establish a written reduction-in-force policy.

COMMITTEE ON EDUCATION

By Representative Hawk:

H. 154. To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 155. To amend Section 41-9-340, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, to provide that three members be appointed from Mobile County, one member from Baldwin County, and two members from each of the seven congressional districts as they exist on the effective date of this act.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hogan:

H. 156. To permit members of the Teachers' Retirement System to purchase up to five years of prior service credit for service rendered as regular employees of Walker College, prior to the merger of the school with the University of Alabama at Birmingham.

COMMITTEE ON WAYS AND MEANS

By Representatives Hogan and Guin:

H. 157. To amend Section 25-5-1 of the Code of Alabama 1975, relating to the Workers' Compensation Law definitions, to define further the term "injury."

COMMITTEE ON BUSINESS AND LABOR

By Representatives Crigler, Sims, McMillan, and Dean:

H. 158. Relating to the civil action for damages because of disparagement of a food product or commodity; amending Sections 6-5-620, 6-5-621, and 6-5-624 of the Code of Alabama 1975, relating, respectively, to the legislative intent, definitions, and limitations on the cause of action for damages in disparagement actions.

COMMITTEE ON JUDICIARY

By Representative Perdue:

H. 159. To amend Section 41-23-24, Code of Alabama 1975, the Alabama Enterprise Zone Act, by providing that the tax incentives shall also be available to new and expanding small businesses adding employees and making certain capital investments in an enterprise zone.

COMMITTEE ON WAYS AND MEANS

By Representative Perdue:

H. 160. To amend Section 41-16-52 of the Code of Alabama 1975, to increase the amount of certain expenditures for repair, repair parts, or lease of heavy duty off-highway construction equipment and all vehicles with a gross vehicle weight rating of 25,000 pounds or greater that may be made without the requirement of competitive bids being taken.

COMMITTEE ON STATE ADMINISTRATION

By Representative Perdue:

H. 161. To authorize the incorporation in any municipality in the State of Alabama of an Urban Redevelopment Authority; to authorize an Urban Redevelopment Authority to designate and define the areas of the redevelopment districts; to provide for the election and compensation of directors of any authority; to provide for the powers and duties of the authority, its board of directors, and its officers; to authorize the authority to acquire all real and personal properties, provided that the property shall be located wholly within the urban redevelopment districts as defined; to authorize any authority to lease properties to others and grant options to any lessee; to provide for the issuance by any authority of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of its properties; to provide that in certain circumstances the securities shall constitute negotiable instruments; to provide that the securities may be secured by a pledge of the revenues and receipts from which they are payable; to authorize the authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate, or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state, or local government or

allow them to use facilities or services of the authority; to make loans to persons or entities for the costs of a project on the security; to provide for the employment by any authority of any personnel as its business may require; to require the authority to be insured; to require payments in lieu of taxes to be for the authority's purposes; to provide for the investment of funds of any authority; to provide for the use of the proceeds of any securities issued by any authority; to provide for the refunding, by the issuance of securities of any authority, of securities theretofore issued by it; to provide that the securities issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to make the securities issued by the authority eligible investments for various governmental bodies and fiduciaries; to provide that any authority may publish a notice of the adoption of a resolution authorizing the issuance of bonds by the authority, and to provide that any action or proceeding questioning the validity of the bonds, or any pledge, mortgage, and deed of trust or trust indenture securing the bonds, or the proceedings authorizing the bonds, would be commenced within 30 days after the first publication of the notice; to exempt the income of any authority, and all conveyances, leases, mortgages, and deeds of trust to which any authority is a party, from all taxation in the state except for the state ad valorem taxes; to exempt every authority from all license and excise taxes in which an authority may engage and to exempt the authority from payment of certain charges to judges of probate; to exempt every authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any authority; to provide for the dissolution of any authority and the disposition of its property; to limit to one the number of authorities which may exist in any municipality at any one time; to give the authority the power of eminent domain; to authorize political subdivisions, agencies, instrumentalities, and public corporations of the state to aid the authority without any public election; to require the treasurer to obtain a fidelity bond; to require compliance with the competitive bid law with respect to any projects receiving public funds; to require a public hearing prior to the expenditure of any public funds; to provide for the reincorporation of, and to validate the acts of, certain authorities previously established; to provide that the provisions of this act are cumulative and severable; and to provide for an effective date.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Venable and Sanderson:

H. 162. To amend Section 40-12-260 of the Code of Alabama 1975; to provide that effective January 1, 1997, license plates, except those issued for antique vehicles, would stay with the owner and not the vehicle; to increase the penalty to \$10 for failure to register a vehicle within 10 days of acquisition, which revenue shall be used for local jurisdiction motor vehicle administration training; to require that proof of ownership be retained in a vehicle subject to registration in

this state on or after January 1, 1997, and being operated on the public roads and highways of this state; to provide penalties for violations; and to repeal Section 40-12-266 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 163. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coosa County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Venable:

H. 164. To repeal Act No. 91-731, S. 411, 1991 Regular Session, now codified as Section 2-3-22, Code of Alabama 1975, providing the commissioner of the Department of Agriculture and Industries authority to employ one person in the unclassified service for each market of the department.

COMMITTEE ON STATE ADMINISTRATION

By Representative Venable:

H. 165. Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2, 17-22A-3, 17-22A-4, 17-22A-5, 17-22A-7, 17-22A-8, 17-22A-9, 17-22A-11, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Guin, Millican, and Morrow:

H. 166. To amend Section 11-92A-5, Code of Alabama 1975, relating to the manner of appointing members of the board of directors of certain industrial development authorities to permit a county legislative delegation to make appointments to the authorities.

COMMITTEE ON INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH

By Representatives Guin, Millican, Morrow, Page, and Sims:

H. 167. To amend Section 15-22-27.1 of the Code of Alabama 1975; relating to the parole of persons convicted of certain felonies; to provide that a person convicted of murder, rape in the first degree, sodomy in the first degree, assault in the first degree by means of a deadly weapon or a dangerous instrument, arson in the first degree, robbery in the first degree, burglary in the first degree, or kidnapping in the first degree, would not be eligible for parole.

COMMITTEE ON JUDICIARY

By Representatives Guin, McKee, Sims, Hogan, and Millican:

H. 168. To provide for a waiting period prior to the issuance of a final judgment of divorce; to provide for temporary orders prior to the expiration of the waiting period; and to provide a prospective effective date.

COMMITTEE ON JUDICIARY

By Representatives Guin and Hogan:

H. 169. Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901, authorizing the Walker County Commission to levy a tax on alcoholic beverages sold in the county in an amount necessary to provide for a new county jail.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Sims, Vance, Curry, McKee, Papucci, Carns, Gaines, McMillan, Jorgensen, Dean, Townsend, Crigler, Guin, Willis, and Moore:

H. 170. Proposing an amendment to the Constitution of Alabama of 1901, relating to voluntary individual or group prayer in public schools or other public institutions.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representatives Gaston and Dean:

H. 171. To provide a tax credit for taxpayers who donate high technology equipment to public schools.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston, Penry, Dean, Burke, and Curry:

H. 172. To amend Section 36-6-291, Code of Alabama 1975, to provide further for the purchase of distinctive motor vehicle license plates or tags by certain retired military.

COMMITTEE ON WAYS AND MEANS

By Representative Gaston:

H. 173. To amend Section 40-3-20, Code of Alabama 1975, to extend the period for filing objections to notice of valuation of property.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Gaston:

H. 174. To exempt the Alzheimer's Disease and Related Disorders Association, Inc., and any of its branches, chapters, or agencies, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Gaston:

H. 175. To amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-234, 40-12-300, and 40-12-302, Code of Alabama 1975, relating to motor vehicle registration and license tags and placards for handicapped persons; and to establish license fees.

COMMITTEE ON WAYS AND MEANS

By Representative Gaston:

H. 176. To exempt the Camp Rap-A-Hope Foundation, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McAdory, Houston, Perdue, Thomas (J), Knight (J), and Buskey:

H. 177. To amend Section 14-9-42 of the Code of Alabama 1975, to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975, for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

COMMITTEE ON JUDICIARY

By Representatives Drake and Morrison:

H. 178. To provide distinctive motor vehicle license tags or plates for members of Lions Club International; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Knight (J), McClammy, Bandy, and Baker:

H. 179. To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

COMMITTEE ON SMALL BUSINESS

By Representative Black (M):

H. 180. Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

COMMITTEE ON JUDICIARY

By Representatives Lindsey, Carter, Penry, Turner, Letson, Millican, Laird, Gaines, McMillan, Hooper, Hamilton, Haney, Dean, Hall (A), Warren, Papucci, Sims, Dolbare, Allen, McKee, Murphree, Curry, Sanderson, Petelos, Collins, Galliher, Graham, Burke, Layson, and Morrison:

H. 181. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 182. Relating to elections; to provide for an early voting period prior to the date of the actual election in addition to absentee voting; to amend Section 17-4-120 of the Code of Alabama 1975, to provide further for certain voter registration deadlines; and to amend Section 17-10-5 of the Code of Alabama 1975, to provide further for the prevention of double voting in an election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Laird:

H. 183. To establish the Auctioneer's Education, Research, and Recovery Fund to pay damages arising from the actions of auctioneers or apprentice auctioneers; to provide for penalties; to specifically repeal Section 34-4-24 of the Code of Alabama 1975, relating to bonds; and to amend Section 34-4-30 of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Carothers:

H. 184. Prohibiting smoking in a public place or at a meeting of a public body, except in a designated smoking area; providing for the preemption of certain other laws, ordinances, and resolutions; and prescribing penalties for violations.

COMMITTEE ON PUBLIC WELFARE

By Representative Carothers:

H. 185. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the setting of the compensation by resolution of the commission.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Carothers:

H. 186. To exempt volunteer fire department from the payment of the license and registration fees and ad valorem taxes on any motor vehicles used exclusively for firefighting.

COMMITTEE ON WAYS AND MEANS

By Representative Carothers:

H. 187. To establish the "Alabama Aquatic Plant Control Act"; to prohibit the release, introduction, stocking, or placing of non-indigenous noxious aquatic plants into any public waters of the State of Alabama without a permit issued by the Department of Environmental Management pursuant to written rules and regulations of the Department of Environmental Management; to provide for certain exceptions; to provide for fines, notice of violations, confiscation, removal, or destruction of prohibited non-indigenous noxious aquatic plants, and the assessment of cost for the confiscation, removal, or destruction of the prohibited non-indigenous noxious aquatic plants; and to provide for cumulative and delayed effect of this act.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representative Thomas (D):

H. 188. To provide for the destruction of a dog that causes severe injury to a person; to provide notice to the owner of the dog; and to provide certain exceptions.

COMMITTEE ON JUDICIARY

By Representatives Turner, Crigler, Gaines, McMillan, McKee, Hooper, Jorgensen, Papucci, Gipson, Sims, Seibenhener, Dean, Sanderford, Clouse, Moore, Knight (A), and Allen:

H. 189. Proposing an amendment to the Constitution of Alabama of 1901, to phase-out the current supernumerary program for county officials.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Johnson (R):

H. 190. To amend Sections 11-53A-1, 11-53A-2, 11-67-20, 11-67-21, 11-67-23, 11-67-25, and 11-67-26 of the Code of Alabama 1975, to provide that Class 6 municipalities may demolish unsafe buildings and structures and may provide for the abatement of weeds within the municipality.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Hooper, Flowers, Turner, McMillan, Dean, Sanderford, Townsend, and Laird:

H. 191. To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the election, appointment, and retention of judicial officers, vacancies in judicial offices, and for the impeachment of certain judicial officers.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representatives Allen, Crigler, McKee, McMillan, Hooper, Jorgensen, Papucci, Gipson, Sims, Gaston, Dean, Penry, Sanderford, Carns, Guin, Townsend, Knight (A), Laird, and Turner:

H. 192. To amend Section 15-3-1 of the Code of Alabama 1975, relating to prosecution of felonies, not specified in Sections 15-3-3 and 15-3-5 of the Code of Alabama 1975, would commence in five years and the prosecution for perjury would commence in 10 years.

COMMITTEE ON JUDICIARY

By Representatives Gaines, McMillan, Crigler, Hooper, Jorgensen, Papucci, Gipson, Sims, Dean, Moore, Clouse, Sanderford, Wren, Townsend, Knight (A), Laird, and Turner:

H. 193. To propose an amendment to the Constitution of Alabama of 1901, as amended, authorizing legislative and executive review of certain State Supreme Court decisions.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representatives Turner, Crigler, McKee, Gaines, Hooper, Jorgensen, Papucci, Gipson, Sims, Dean, Knight (A), Clouse, Sanderford, Penry, Townsend, Moore, Maull, and Laird:

H. 194. To require successful candidates for justice and judge of the appellate courts and circuit and district courts to file certain disclosure statements of contributions received and to prescribe penalties for failure to file the statements.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Guin, Crigler, Hooper, Gipson, Sanderford, Townsend, Laird, and Turner:

H. 195. Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Pringle, Crigler, McKee, McMillan, Hooper, Papucci, Gipson, Turner, Sims, Seibenhener, Wren, Dean, Knight (A), Clouse, Moore, Sanderford, Townsend, and Laird:

H. 196. To prohibit the courts of this state from entertaining any action arising out of the execution of the educational policy of this state.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Penry and McMillan:

H. 197. Relating to forest products, to amend Section 9-13-63 of the Code of Alabama 1975, as amended by Act No. 93-888 of the 1993 First Special Session, to provide a monetary range for the fine imposed upon a person, firm, or corporation for failing to keep records or falsifying records concerning the purchase of unmanufactured or semimanufactured forest products.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representatives Penry, McMillan, Vance, Dolbare, Black (L), Jackson, Gaston, and Curry:

H. 198. To require local boards of education to develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who have brought to school or have in their possession a firearm in school buildings, on school grounds, on school buses, or at any other school-sponsored function.

COMMITTEE ON EDUCATION

By Representatives McDaniel, Morrison, Dukes, Sanderford, Letson, Lindsey, Hammett, Laird, Hawk, Drake, and Penry:

H. 199. To amend Section 40-17-31, Code of Alabama 1975, to increase certain aircraft fuel tax maintenance levels; provide penalty provisions for the nonpayment of the tax; and establish an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, Lindsey, Burke, Laird, and Drake:

H. 200. To amend Section 40-21-83 of the Code of Alabama 1975, to provide further for certain utility tax exemptions.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee, Hogan, Sims, Guin, Willis, Vance, McMillan, Dolbare, Laird, Millican, Clouse, Hamilton, Gaston, Dean, Flowers, Turnham, Carter, Page, Allen, Carns, Hawkins, Haney, Morton, Hawk, Galliher, Smith, Crigler, Hill, Townsend, Warren, Turner, Murphree, and Lindsey:

H. 201. To provide for the revocation of the driver's license of a noncustodial parent who is six months or more delinquent in the payment of court-ordered child support by a court of competent jurisdiction.

COMMITTEE ON JUDICIARY

By Representative Wren:

H. 202. To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority is required to lay off all contracted and appointed employees before laying off any merit system employee in the classified service.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 203. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

COMMITTEE ON JUDICIARY

By Representative Wren:

H. 204. To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Dukes, Letson, and Papucci:

H. 205. To provide an additional annexation method to allow municipalities to annex unincorporated territory which is enclosed within the corporate limits of the municipality and has been enclosed for a period of one year or more.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Dukes, McDaniel, Letson, and Papucci:

H. 206. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Petelos and Page:

H. 207. To provide for special procedural due process rights for law enforcement officers prior to certain disciplinary actions against the officers.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Petelos and Hall (L):

H. 208. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain retirement benefits within a spousal estate when the court determines an allowance upon the grant of a divorce if certain conditions are met.

COMMITTEE ON JUDICIARY

By Representative Newton (D):

H. 209. Establishing the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state laws prohibiting the sale of tobacco and tobacco products to minors; establishing wholesale and retail licenses and authorizing the Alabama Alcohol Beverage Control Board to collect license fees for sales or distribution of tobacco and tobacco products for purposes of offsetting the agency's costs of administering its regulatory, educational, and licensing responsibilities; and to provide penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hill:

H. 210. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

COMMITTEE ON BANKING

By Representative Carns:

H. 211. Relating to home health care; to license and regulate home health services performed by private home care providers in privately owned residences; to provide for the licensing and inspections by the Department of Public Health; to provide for preliminary records check of applicants as private home care providers; to provide for fees; to provide for exceptions; and to provide for definitions.

COMMITTEE ON HEALTH

By Representative Sanderson:

H. 212. To establish the Alabama Clean Indoor Air Act; to prohibit smoking in certain public places; and to provide penalties for violations.

COMMITTEE ON HEALTH

By Representatives Rogers (J), Houston, McAdory, Hilliard, Spratt, and Johnson (E):

H. 213. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Houston, Hilliard, Spratt, and Johnson (E):

H. 214. To provide tax exemptions for certain nonprofit corporations; to authorize leases of public property to, and appropriations of public funds for, those nonprofit corporations; and to provide for certification of eligibility of nonprofit corporations by the Department of Revenue.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Houston, Hilliard, and Spratt:

H. 215. To exempt the City Stages, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Houston, Hilliard, Spratt, and Johnson (E):

H. 216. To exempt the Birmingham Broadway Series from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Houston, Hilliard, and Spratt:

H. 217. To exempt Birmingham Summerfest, Incorporated, from all state, county, and municipal income, license, and sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Gaines:

H. 218. Setting forth the Alabama Unincorporated Nonprofit Association Act, providing for the governance, powers, duties, liability in tort and contract, capacity, and standing of a nonprofit association and its members and officers; providing for the effect of a judgment or order, claims for relief, transitions concerning real property, venue, service of process of a nonprofit association, and disposition of property of an inactive or dissolved association; specifying certain laws not repealed; and providing a prospective effective date.

COMMITTEE ON JUDICIARY

By Representatives Hammett, Flowers, Gaston, Jorgensen, Hill, Wren, Hawkins, Sanderson, and Hooper:

H. 219. Relating to material or fraudulent misrepresentations, omissions, concealment of fact, and dishonest acts or omissions by an insurance agent who sells life and health insurance; to further provide for the regulation of insurance

agents who sell life and health insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

COMMITTEE ON STATE ADMINISTRATION

By Representative Starkey:

H. 220. To exempt all property owned and used by Habitat For Humanity from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Letson (With Notice and Proof):

H. 221. Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 221, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson (With Notice and Proof):

H. 222. Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 222, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson (With Notice and Proof):

H. 223. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Hillsboro in Lawrence County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 223, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson (With Notice and Proof):

H. 224. Relating to Lawrence County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 224, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Papucci:

H. 225. To further provide for filling vacancies in the elected office of municipal governing bodies, at the option of the municipal governing body, by either special election or by appointment; and to provide for the conduct of special elections.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Thomas (J):

H. 226. To amend Section 36-22-16, Code of Alabama 1975, relating to the minimum compensation to be paid to sheriffs; to provide for an increase in that compensation, and to provide an expense allowance under certain circumstances.

COMMITTEE ON WAYS AND MEANS

By Representative Thomas (J):

H. 227. To amend Sections 14-6-1, 14-6-4, 14-6-6, 14-6-92, and 14-6-101, Code of Alabama 1975, which relate to duties of the office of sheriff; to relieve the sheriff of civil liability for the acts of the jailer; to provide further for the receiving into custody of federal prisoners and fugitive prisoners from other jurisdictions, and for the payment to the county for housing those prisoners; to provide further for the transfer of prisoners to county jails, due to inadequate jail facilities in the

original jurisdictions of the prisoners; to provide further for requirements regarding maintenance and repair of jails; to provide that nothing in specified existing law shall be construed to provide a cause of action by any prisoner confined in any jail of a city or county; and to provide for the use of funds derived under the provisions of this act.

COMMITTEE ON JUDICIARY

By Representative Kennedy:

H. 228. Relating to state employees; to prohibit the use of polygraph testing of state employees or prospective state employees; and to provide for penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 229. To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

COMMITTEE ON HEALTH

By Representatives McDaniel, Sanderford, Haney, Hooper, Laird, Parker (T), Newton (C), Clouse, Moore, Carns, Hawkins, Townsend, Sanderson, Turnham, Fuller, Carter, Clark (J), Turner, Box, Vance, McMillan, Willis, Wren, Murphree, and Robinson:

H. 230. To establish an anti-fraud unit within the Workers' Compensation Division of the Department of Industrial Relations to investigate complaints.

COMMITTEE ON STATE ADMINISTRATION

By Representative Burke:

H. 231. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 232. To amend Section 40-21-120, Code of Alabama 1975, to remove the exemption of cellular radio telecommunication services from regulation by the Public Service Commission.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Fuller:

H. 233. To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$6,600,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,980,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provides specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 234. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 235. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 236. To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary for them to provide an education that is equitable according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-30, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-76, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 237. To make an appropriation of \$1,439,112 from the Alabama Special Educational Trust Fund for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 238. To make an appropriation to the Department of Public Health in the amount of \$9,971,144 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 239. To make an appropriation to the Department of Public Health in the amount of \$4,180,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 240. To make an appropriation of \$251,317 from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 241. To make an appropriation of \$23,158,459 from the Alabama Special Educational Trust Fund, an appropriation of \$2,170,000 from the Driver Impaired Trust Fund, and an appropriation of \$72,907,868 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Haney:

H. 242. To make an appropriation of \$381,534 from the Alabama Special Educational Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1996, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 243. To make an appropriation of \$1,804,678 from the Alabama Special Educational Trust Fund for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1996 and, to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 244. To make an appropriation of \$27,458,615 from the Alabama Special Educational Trust Fund and an appropriation of \$3,103,484 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 245. To make an appropriation of \$94,846 from the Alabama Special Educational Trust Fund for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 246. To make an appropriation of \$196,192 from the Alabama Special Educational Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 247. To make an appropriation of \$420,414 from the Alabama Special Educational Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 248. To make an appropriation of \$352,000 from the Alabama Special Educational Trust Fund to Miles College for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Thomas (J):

H. 249. To make an appropriation of \$397,228 from the Alabama Special Educational Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 250. To make an appropriation of \$3,775,200 from the Alabama Special Educational Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Kennedy:

H. 251. To make an appropriation of \$295,305 from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1996 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 252. To make an appropriation of \$343,804 from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Thomas (J):

H. 253. To make an appropriation of \$35,250 from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (T):

H. 254. To make an appropriation of \$1,049,579 from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Mobile, Inc., the United Cerebral Palsy of West Alabama, Inc., and the United Cerebral Palsy of Northwest Alabama for the year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 255. To make an appropriation of \$700,000 from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Kennedy:

H. 256. To make an appropriation of \$482,793 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Haney:

H. 257. To make an appropriation of \$26,250 from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 258. To make an appropriation of \$543,253 from the Alabama Special Educational Trust Fund to the Project DARE and the DON'T-Madison County drug education programs for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 259. To make an appropriation of \$885,145 from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 260. To make an appropriation of \$100,000 from the Alabama Special Educational Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Starkey:

H. 261. To make an appropriation of \$307,615 from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 262. To make an appropriation of \$106,250 from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 263. To make an appropriation of \$24,440 from the Alabama Special Educational Trust Fund to three YMCA programs and one Boys and Girls Club program for the fiscal year ending September 30, 1996, and requires an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 264. To make an appropriation of \$17,681 from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Starkey:

H. 265. To make an appropriation of \$59,288 from the State General Fund

to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Kennedy:

H. 266. To make an appropriation of \$36,125 from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 267. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 268. To make an appropriation of \$117,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 269. To make an appropriation of \$642,908 from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1996, and requires operations plans and audited financial statements prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 270. To make an appropriation of \$297,223 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 271. To make an appropriation of \$52,575 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 272. To make an appropriation of \$255,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 273. To make an appropriation of \$15,810 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Penry:

H. 274. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Carothers:

H. 275. To make an appropriation of \$247,854 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 276. To make an appropriation of \$13,041 from the State General Fund

to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 277. To make an appropriation of \$36,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 278. To make an appropriation from the State General Fund in an amount sufficient to pay the net interest due the federal government as computed in accordance with the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and authorize the director of finance to provide the necessary administration to ensure full compliance with all the provisions of Public Law 101-453.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 279. To amend Section 40-13-6, Code of Alabama 1975, to provide for the disbursement of proceeds from certain coal severance taxes to the State General Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 280. To require that funding for benefits provided under the Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend Sections 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 281. To amend Section 28-3-190, Code of Alabama 1975, to make technical corrections to the Local Beer Tax distribution such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 282. To repeal Act No. 516 of the 1931 Regular Session of the Legislature of Alabama (Acts of Alabama 1931, p. 628) as formerly codified by Section 597 of Title 62 of the Code of Alabama 1940, and as amended by Act No. 443 of the 1947 Regular Session of the Legislature of Alabama (Local Acts of Alabama 1947, p. 302).

COMMITTEE ON LOCAL GOVERNMENT

By Representative McMillan:

H. 283. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

COMMITTEE ON WAYS AND MEANS

By Representative Gipson (With Notice and Proof):

H. 284. Relating to Autauga County; relating to the compensation and expense allowance for the Sheriff of Autauga County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of the sheriff.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 284, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McDaniel, Lindsey, Letson, and Burke:

H. 285. To amend Section 9-8A-3, Code of Alabama 1975, relating to the appointment of members to the Alabama Agricultural and Conservation Develop-

ment Commission; to provide for the appointment of designees by members; and to provide for the replacement of a designee who is absent from three or more consecutive meetings without cause.

COMMITTEE ON STATE ADMINISTRATION

By Representative Newton (D):

H. 286. To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to provide that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 287. To make an appropriation from the Athletic Trainers Fund to the Alabama Board of Athletic Trainers in the amount of thirty-five thousand dollars (\$35,000) for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Hamilton and Starkey:

H.R. 29. COMMENDING KERRI EZELL FOR OUTSTANDING ACHIEVEMENT.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

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And the President and Presiding Officer of the Senate appointed as committee on part of the Senate to notify the Governor, Senators: Mitchell, Armistead, and Steele.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate to escort the Governor, Senators: Myers, Waggoner, and McClain.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 4. RELATIVE TO MEETING DAYS.

Also:

H.J.R. 5. INVITING THE COMMANDANT OF THE UNITED STATES MARINE CORPS TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Legislative Council:

Senators Biddle, Denton, Hale, and Little.

MCDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representatives Hamilton, Hammett, Warren, Ford, Starkey, Turnham, Laird, Carothers, Parker (T), Newton (C), Layson, Johnson (R), Millican and Reed:

H.J.R. 30. REQUESTING THE ALABAMA SECRETARY OF STATE TO FURNISH ONE COPY OF THE BOUND ACTS AND ONE COPY OF THE BOUND JOURNALS UPON REQUEST TO MEMBERS OF THE ALABAMA LEGISLATURE.

The resolution, H.J.R. 30, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Lindsey:

S.J.R. 3. ELECTING A LEGISLATIVE REPRESENTATIVE TO THE GULF STATES MARINE FISHERIES COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That pursuant to Sections 9-12-180 and 9-12-181 of the Code of Alabama 1975, the Legislature of Alabama, by the adoption of this resolution, elects Representative Walter E. Penry, Jr., as the elected legislative representative of the State of Alabama on the Gulf States Marine Fisheries Commission. The Clerk of the House of Representatives shall forward a certified copy of this resolution to the Gulf States Marine Fisheries Commission.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 3, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Lindsey:

S.J.R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators: Mitchell, Armistead, and Steele.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carter, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 1, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives McMillan, Hooper and Fuller.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Lindsey:

S.J.R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two houses recess Tuesday, April 18, 1995, in the Alabama State House that the two houses convene again at 6:15 P.M. on April 18, 1995, in the House of Representatives Chamber on the second floor of the Alabama State Capitol, 600 Dexter Avenue, in a joint session for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama, at 6:30 P.M.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House for the joint session.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators: Myers, Waggoner, and McClain.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carter, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 2, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives McMillan, Hooper and Fuller.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Freeman:

S.J.R. 4. RECOGNIZING THE SPACE SHUTTLE MAIN ENGINE PROGRAM AND MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Freeman:

S.J.R. 5. COMMENDING THE HAZEL GREEN LADY TROJANS ON THE 1994-1995 STATE CLASS 5A BASKETBALL CHAMPIONSHIP.

Also:

By Senator Freeman:

S.J.R. 6. COMMENDING THE MADISON COUNTY BUCKHORN HIGH SCHOOL BUCKS ON THEIR STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

By Senator Butler:

S.J.R. 7. COMMENDING THE LIBERTY MIDDLE SCHOOL LIONETTES DANCE TEAM, MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 4, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 5, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 6, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 7, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Butler:

S.J.R. 8. MOURNING THE DEATH OF KELLY ANTONETTE DEFOE OF ATHENS, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 8, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

ELECTION OF MEMBERS TO BUILDING COMMISSION

The House elected Representatives Perdue and Payne as members of the Building Commission.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Butler:

S.J.R. 9. MOURNING THE DEATH OF REGINA FAYE CLARK OF ATHENS, ALABAMA.

Also:

By Senator Butler:

S.J.R. 10. MOURNING THE DEATH OF ARTHUR ALLEN MING OF ATHENS, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 9, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 10, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dixon, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 13. COMMENDING THE ALABAMA CHILDREN'S REHABILITATION SERVICE ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY.

Also:

By Senators Dixon and Langford:

S.J.R. 14. COMMENDING THE JEFFERSON DAVIS HIGH SCHOOL VOLUNTEERS ON THE 1995 STATE 6A BASKETBALL CHAMPIONSHIP.

Also:

By Senators Bedford, Denton, Amari, Waggoner, and Dixon:

S.J.R. 15. COMMENDING CLYDE B. ANDERSON OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senators Bedford, Denton, and Windom:

S.J.R. 16. COMMENDING CAROLINE SELF, ALABAMA'S 1995 JUNIOR MISS.

Also:

By Senators Bedford, Smitherman, Escott-Russell, Sanders, and McClain:

S.J.R. 17. MOURNING THE DEATH OF JESSE J. LEWIS, JR., OF BIRMINGHAM, ALABAMA.

Also:

By Senator Bedford:

S.J.R. 18. COMMENDING COACH DON COX, 4A-6A FOOTBALL COACH OF THE YEAR.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 13, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 14, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 15, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 16, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 17, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 18, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators McClain, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 19. COMMENDING DERON DAVIS OF HUEYTOWN, ALABAMA.

Also:

By Senators Windom and Myers:

S.J.R. 20. NAMING THE NEW DOG RIVER BRIDGE IN MOBILE COUNTY THE "JOHN ROBERTS PEAVY BRIDGE."

Also:

By Senators Smith, Dial, Butler, Mitchem, Davidson, Little, Biddle, Hale, Myers, Escott-Russell, Denton, Armistead, Adams, Ghee, Windom, Steele, Barron, Poole, Bailey, Hill, McClain, Roberts, Waggoner, and Lipscomb:

S.J.R. 22. EXPRESSING SUPPORT FOR JUDGE ROY MOORE.

Also:

By Senator Dial:

S.J.R. 23. DESIGNATING STATE HIGHWAY 9 IN CHEROKEE COUNTY,
"THE GOSHEN MEMORIAL HIGHWAY."

Also:

By Senators Little, Poole, Adams, Amari, Armistead, Bailey, Barron, Bedford,
Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures,
Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell,
Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner,
and Windom:

S.J.R. 24. COMMENDING YETTA G. SAMFORD, JR., FOR DISTIN-
GUISHED SERVICE TO THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 19, the title of which is set out in the foregoing
Message from the Senate was read and referred to the Standing Committee on
Rules.

Also:

The resolution, S.J.R. 20, the title of which is set out in the foregoing
Message from the Senate was read and referred to the Standing Committee on
Rules.

Also:

The resolution, S.J.R. 22, the title of which is set out in the foregoing
Message from the Senate was read and referred to the Standing Committee on
Rules.

Also:

The resolution, S.J.R. 23, the title of which is set out in the foregoing
Message from the Senate was read and referred to the Standing Committee on
Rules.

Also:

The resolution, S.J.R. 24, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Little, Poole, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 25. HONORING DR. WAYNE TEAGUE FOR HIS TWENTY-YEAR SERVICE TO ALABAMA AS STATE SUPERINTENDENT OF EDUCATION.

Also:

By Senator Hill:

S.J.R. 26. HONORING THE CENTRAL HIGH SCHOOL COUGARS FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Langford:

S.J.R. 27. RECOGNIZING SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION, INC.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 25, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 26, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 27, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 11. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA MEDICAID AGENCY'S PROPOSED AMENDMENT OF RULE NO. 560-X-16-.09, ENTITLED "PRIOR AUTHORIZATION."

WHEREAS, the Alabama Medicaid Agency filed a "Notice of Intended Action" of the proposed Amendment of Rule No. 560-X-16-.09, entitled "Prior Authorization," a copy of which is attached and made a part of this resolution; and

WHEREAS, the notice was published in the Alabama Administrative Monthly, dated January 31, 1994; and

WHEREAS, the Alabama Medicaid Agency certified to the Legislative Reference Service the adoption of an amendment to Rule No. 560-X-16-.09, on March 11, 1994, which was the subject of a review at a meeting of the Joint Committee on Administrative Regulation Review on April 6, 1994; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(c), Code of Alabama 1975, disapproved the proposed amendment of Rule No. 560-X-16-.09, entitled "Prior Authorization"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the decision of the Joint Committee to disapprove the proposed rule amendment to Rule No. 560-X-16-.09, entitled "Prior Authorization," is sustained.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 11, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representatives Holmes, McClammy and Knight (J):

H.J.R. 31. HONORING DR. WILLIAM HAMILTON HARRIS ON BEING INAUGURATED AS PRESIDENT OF ALABAMA STATE UNIVERSITY

The resolution, H.J.R. 31, was read and referred to the Standing Committee on Rules.

ELECTION OF MEMBERS TO LEGISLATIVE COUNCIL

The House elected Representatives Penry, Buskey, Hill, Hall (A), Hilliard and Laird as members of the Legislative Council.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Hall (A) and Hinshaw:

H.J.R. 32. COMMENDING THE BUCKHORN BUCKS BASKETBALL TEAM OF NEW MARKET, ALABAMA, FOR WINNING THE CLASS 5A STATE BASKETBALL TITLE.

The resolution, H.J.R. 32, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hall (A) and Hinshaw:

H.J.R. 33. COMMENDING THE HAZEL GREEN LADY TROJANS, STATE 5A BASKETBALL CHAMPIONS.

The resolution, H.J.R. 33, was read and referred to the Standing Committee on Rules.

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Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 34. COMMENDING THE DUPONT CORPORATION FOR SERVICE TO MOBILE.

Also:

By Representative Box:

H.R. 35. COMMENDING THE LEMOYNE EMERGENCY MEDICAL SERVICES FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

By Representative Box:

H.R. 36. HONORING THE MEMBERS OF LEMOYNE INDUSTRIAL PARK.

Also:

By Representative Hammett:

H.R. 37. COMMENDING MRS. MARTHA MOORE CHISUM ON THE OCCASION OF HER RETIREMENT FROM COLONIAL BANK.

Also:

By Representative Hammett:

H.R. 38. COMMENDING JAMES WILLIAM HAMITER, JR. OF ANDALUSIA, ALABAMA.

Also:

By Representative Hammett:

H.R. 39. COMMENDING JAMES H. SMITH UPON HIS SELECTION AS A "PAUL HARRIS FELLOW" BY THE ANDALUSIA ROTARY CLUB.

Also:

By Representatives Hamilton and Starkey:

H.R. 40. COMMENDING CHARLOTTE MOON OF BROOKS ELEMENTARY SCHOOL, KILLEN, ALABAMA, AS LAUDERDALE COUNTY ELEMENTARY TEACHER OF THE YEAR.

Also:

By Representatives Hamilton and Starkey:

H.R. 41. COMMENDING PAM TANNER, 1995 LAUDERDALE COUNTY EDUCATION ASSOCIATION SECONDARY TEACHER OF THE YEAR.

Also:

Representatives Houston, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 42. COMMENDING DERON DAVIS OF HUEYTOWN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Representative Hammett:

H.J.R. 43. ELECTING A LEGISLATIVE REPRESENTATIVE TO THE GULF STATES MARINE FISHERIES COMMISSION.

The resolution, H.J.R. 43, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 44. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA MEDICAID AGENCY'S PROPOSED AMENDMENT OF RULE NO. 560-X-16-.09, ENTITLED "PRIOR AUTHORIZATION."

The resolution, H.J.R. 44, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 45. DESIGNATING A PORTION OF U.S. HIGHWAY 29 AND COUNTY ROAD 43 IN COVINGTON COUNTY AS "THE HISTORIC THREE NOTCH TRAIL."

The resolution, H.J.R. 45, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 46. RECOGNIZING HISTORIC DEVEREUX HILL IN ANDALUSIA, ALABAMA, AND REQUESTING THAT A SIGN BE PLACED THEREON.

The resolution, H.J.R. 46, was read and referred to the Standing Committee on Rules.

Also:

By Representative White:

H.J.R. 47. COMMENDING POLICE OFFICER LARRY HAMMONDS FOR OUTSTANDING HEROISM.

The resolution, H.J.R. 47, was read and referred to the Standing Committee on Rules.

Also:

By Representative Smith:

H.J.R. 48. COMMENDING THE MAPLESVILLE LADY RED DEVILS ON THE ALABAMA CLASS 1A BASKETBALL CHAMPIONSHIP.

The resolution, H.J.R. 48, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Venable and Johnson (R):

H.J.R. 49. COMMENDING THE COOSA COUNTY CENTRAL HIGH SCHOOL COUGARS ON THE 1995 STATE 4A BASKETBALL CHAMPIONSHIP.

The resolution, H.J.R. 49, was read and referred to the Standing Committee on Rules.

Also:

Representatives Thomas (D), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 50. HONORING LISA BRADEN FOR OUTSTANDING ACCOMPLISHMENT.

The resolution, H.J.R. 50, was read and referred to the Standing Committee on Rules.

Also:

Representatives Thomas (D), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

**H.J.R. 51. COMMENDING THE SPRINGVILLE HIGH SCHOOL VARSITY
CHEERLEADING SQUAD FOR OUTSTANDING ACHIEVEMENT.**

The resolution, H.J.R. 51, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Representative Turner, the House recessed until 6:30 o'clock p.m.

JOINT SESSION

The hour of 6:30 o'clock p.m. having arrived and pursuant to the resolutions, H.J.R. 3 and S.J.R. 2, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, Alabama State Capitol, 600 Dexter Avenue, Montgomery, Alabama, for the purpose of hearing an address by the Honorable Fob James, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable Don Siegelman, Lieutenant Governor and Presiding Officer of the Senate.

His Excellency, Fob James, Governor of the State of Alabama appeared before the Joint Session and delivered the following address to the Members of the Legislature of Alabama:

Mr. Speaker ... Gov. Siegelman members of the Alabama Supreme Court ...distinguished guests ... ladies and gentlemen ... on behalf of the executive branch of government ... I welcome you to this beautiful Capitol. And to each senator and representative I especially welcome you back to this historic place that carries with it profound responsibilities.

I'm delighted you are here--frankly ... it's been lonely without you. I have had the news media all to myself and now I look forward to sharing them with you.

As I look across this chamber I see many old friends--men and women I served with in a term that ended 12 years ago.

In the House ... I served with 1) Seth Hammett, now speaker pro tem. 2) Joe Carothers. 3) Tommy Carter. 4) Joe Ford. 5) Albert Hall. 6) Alvin Holmes. 7) Yvonne Kennedy. 8) Richard Laird. 9) Sam Letson. 10) Bob Mckee. 11) Arthur Payne. 12) Walter Penry. 13) Thomas Reed. 14) Curtis Smith. 15) Nelson Starkey. 16) J.E. Turner. 17) Pete Turnham. 18) Jack Venable. 19) James Warren. 20) Gerald Willis.

1st Day

In the Senate I served with 1) Michael Figures, now president pro tem. 2) Wendell Mitchell, now Senate floor leader. 3) John Amari. 4) Chip Bailey. 5) Jack Biddle. 6) Bobby Denton. 7) Gerald Dial. 8) Larry Dixon. 9) Sundra Escott-Russell. 10) Charles Langford. 11) Ted Little. 12) Hinton Mitchem. 13) Tommy Ed Roberts. 14) Jabo Waggoner, who by virtue of fatherhood has become famous as son Jay ... first baseman for the Auburn baseball team ... just broke the all-time SEC record for most base hits. Congratulations ... Senator!

It was my pleasure to work with Gov. Siegelman as Secretary of State. This time around ... our working-relationship continues stronger than ever.

Now ... Speaker Clark ... young fellow that he is ... came to Montgomery after I left--For the second-half of his 23-year tenure in the Legislature. We jointly have 27 years of "on the job training." The Speaker holding 85 percent of those years and my holding 15 percent. It goes without saying I look forward to working with Speaker Clark and will rely heavily on his experience and leadership.

I appreciate your opening of all committee meetings to the public and scheduling two weeks of budget hearings before the third legislative day!

I'm proud of the Chairman of the Ways and Means Committee ... Bill Fuller ... who will place the Ten Commandments in the State House ... and for his excellent suggestion that we put a safety factor of one percent in the Alabama Special Educational Trust Fund to protect it from proration. Rep. Fuller and I were born and raised in Chambers County ... where thrift and the Commandments were duly taught.

I appreciate Rep. Alvin Holmes' long-standing support of my efforts to reduce the costs of government. In my first term Rep. Holmes was a strong advocate of cutting the governor's pay. In my second term ... my good friend advocates the governor pay rent for living in the mansion. I am pleased to report that my budget reflects a 15 percent cut in the Governor's Office ... the Executive Mansion ... the Contingency Fund ... and the office of the Finance Director. It is good to know I can always count on Rep. Holmes to lead the charge for fiscal restraint and responsibility.

We have 127 school systems in Alabama. Forty-three systems ... one-third of the total ... exceed the national average on nationally-normed Stanford Achievement Tests given in grades four and eight.

Many other systems are improving. We need to commend them for a job well-done and urge them to continue. However ... in some systems students did not score well at all. Those students need our help now!

First ... Alabama law already gives the state superintendent of education authority to remedy defects that cause a school system to fail.

However ... not once in more than 12 years has any direct action been taken to identify and remedy the defects of a failing school system. I have long concluded there is a management problem at the state level.

We are charged tonight with a genuine "sense of urgency" to rescue thousands of students who will depart their schools with less than eighth-grade learning abilities and/or suffer the tragedy of functional illiteracy.

We have begun by expanding the use of Stanford Achievement Tests from testing grades four and eight to testing grades three to 11. The results should serve as a benchmark from which to measure progress and establish academic accountability.

I commend the state school board members ... Dr. Thomas Ingram and state Department of Education staff and especially all teachers ... counselors ... and principals for giving the tests on such short notice. I know it wasn't easy ... but your effort enables us improve schools in September of 1995 instead of September of 1996.

The seven fundamentals of a good school are well-known and time-tested.

1) Reestablish teacher's authority in the classroom by the use of corporal punishment ... expulsions or other acceptable means of discipline.

2) Establish a core curriculum in academics that requires basic subject matter courses such as arithmetic ... reading ... geography ... English ... history ... math and science.

3) Implement a grading system that accurately measures a student's knowledge of a given subject and reports progress to parents on a report card.

4) Test new teachers by a nationally-normed teachers exam before certification. Remove or retrain teachers who do not perform at satisfactory levels.

5) Hold superintendents and principals accountable for measured improvement in SAT scores using 1995 test scores as a benchmark. Replace management that shows no progress after two full years of intensive guidance and support.

6) Provide full-protection for teachers to control students' behavior, and to protect teachers from harassment and lawsuits from government agencies ... individuals or other parties.

7) Adopt a Foundation Program for funding and operations of local schools that meets Southern Association of Colleges and Schools accreditation standards for classroom size ... libraries and personnel.

The seven fundamentals I have enumerated are inseparable. One will not stand without the others.

This plan must be implemented by the State Superintendent and State Board of Education. I believe it will. We should not have to micro-manage the execution of education policy. However ... I have provided you with a comprehensive plan for K-12 funding and with the academic vital statistics that should enable you to thoroughly examine needs as related to performance and costs in your home districts.

I ask you to approve this plan ... and if it is not fully implemented by September of 1996 ... I ask you for full authority to personally execute the education plan that you approve this session.

Now for the easy part. I would like to ensure that our schoolchildren travel and attend school in a safe ... sound and sanitary environment. Therefore ... I propose a 150-Million dollar bond issue that meets critical needs for K-12. My proposal is designed to eliminate the conditions which are unsafe ... unsanitary and which endanger the personal well-being of our students. Given current financial conditions we can afford no more at this time. All projects must meet the critical needs described in order to qualify.

Our goal is clear. We must provide the opportunity for every student in Alabama public schools to achieve academic excellence according to his or her ability and desire to do so.

Tonight I ask you to "help me help the children." We all want two things 1) Schools where our children are safe and 2) schools where our children achieve to the highest levels of their ability.

I desperately want Alabama schoolchildren literate and prepared to face a more difficult and competitive world than we knew. I have long maintained that money is no panacea for educational problems.

I believe it is a matter of will to make Alabama's schools the best in the nation.

To those representing Alabama universities and junior colleges ... hear me out. Join us. Your support ... your leadership and more than 30 schools of education are essential to the welfare of our children.

Our K-12 programs are in crisis. We lose one-third of our students as drop-outs. Those who graduate and enroll in college face academic difficulties. Some reports have stated that as much as 35 percent of our college course work involves remedial education.

We all have to recognize that at this moment the needs of 720-thousand students in K-12 are greater than the immediate needs at other levels of education.

Tonight ... when the lights are out and you are reflecting on the opening of this session ... will you join me in your hearts in a renewed commitment to eradicate illiteracy.

I have with me a letter to the editor from the Birmingham News dated Feb. 13, 1995. Let me share it with you tonight.

Dear Editor:

"The question: Do we need a constitutional amendment to allow prayer in public schools? The answer: We already have one."

After quoting the First Amendment the letter goes on, "to simplify the First Amendment, it means that school prayer is none of the government's business. Also, it cannot do anything to stop us from praying or make us pray. We can pray if we want. Our country was born because people wanted to have the right to worship God as they please.

"There is no doubt in my mind that prayer should be a part of our school activities. Prayer has always been in our schools and always should be in our schools."

Signed, John Collier of Vestavia Hills Elementary Central.

Young Mr. Collier ... a fifth grade student ... is right. John ... please stand for a moment and let us thank you for so eloquently stating the truth.

If Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof ... how could a U.S. Supreme Court, after 174 uninterrupted years of prayer in school, suddenly announce one morning in 1962 that prayer was no longer legal? They cannot make law, but they did. And chaos and confusion have followed in the courts and schools.

I will ask this Legislature to pass a resolution confirming First Amendment rights to pray in schools. I will issue an executive order to every school board and superintendent in Alabama confirming the First Amendment right to pray in school. And I will ask U.S. House Speaker Newt Gingrich and U.S. Senate Majority Leader Bob Dole to pass a joint resolution to send to the U.S. Supreme Court confirming First Amendment rights to pray in the public schools of America.

The economy and job growth within Alabama is good. We can make it better ... by ensuring that tax incentives to new and existing industry are competitive with other states.

Therefore I will propose amendments that will make our present incentive package workable and keep Alabama competitive ... but we won't give away the state.

There is no industry in the state with a better record of investment ... productivity ... and high-paying jobs than Alabama's coal industry. Even so ... competition from low-wage countries remains a threat to its growth and prosperity.

Therefore ... I propose a bill to provide an income tax credit of one dollar per ton to Alabama coal producers for the tonnage increases of one year in excess of prior-year's tonnage. This is the best of both worlds as this tax incentive helps increase production and it helps increase tax revenue.

I will propose legislation that will protect private property rights from unfair government regulations. The Private Property Protection Act will require that state and local governments examine the impact on private property before introducing new laws or new regulations which might diminish the value of the property.

This administration will continue to fight against crime. I propose the Truth in Sentencing Act of 1995. This legislation will guarantee that the criminal will serve the time he is sentenced and only the judge who sentenced him can release him.

To protect the integrity of our worker's compensation system ... I will propose a bill to set up an anti-fraud unit within the Worker's Compensation Division of the Department of Industrial Relations. No new taxes or additional funds are required to implement this proposal.

We have a crisis in public confidence in our judicial system. Last year more than 6-Million dollars was spent on Supreme Court elections alone. You may ask, "Is the integrity of a judge compromised by this commercialization of the bench?" I cannot answer that question. The more appropriate question is: "Do the people believe this process produces judges who rule for the public interest or the special interest?"

Under the doctrine known to lawyers as "judicial review," the exercise of judicial power has become raw political power ... because as few as five justices can change the meaning of the law ... alter settled concepts of Constitutional law so as to strike down your legislative statutes ... and even place the courts in control of that which our Constitution left to other branches of government under the separation of powers doctrine. Our Constitution can only be changed by Constitutional amendment. Why do we have a separation of powers doctrine? Our Constitution says it best. We have a separation of powers doctrine because, and I quote, "to the end that (ours) may be a government of laws ... not of men."

What is the solution to this crisis? Should we do nothing? Should we sit back and allow any group the opportunity to spend its way into power? And then have the process repeat itself again and again? The answer is no.

Should we solve our current crisis by appointing judges for life as is done with federal judges? A resounding no.

We must act in two general areas to meet the crisis. First ... we must design a method of judicial selection that permits independence and yet retains a healthy measure of accountability to the public. Second ... we must stop excessive judicial usurpation of the legislative power. The court must never forget that the role of the judiciary is to make society live by the rules society has made: not to make the rules for society.

I am asking you to give the people the right to vote for a Constitutional amendment that would allow all vacancies on the Alabama Supreme Court ... the Court of Criminal Appeals ... and the Court of Civil Appeals to be filled by appointment of the governor. Names of nominees would be submitted by a nominating commission composed of the lieutenant governor ... the Speaker of the House ... two representatives of the Alabama State Bar ... a representative of the Circuit Judges Association and two persons appointed by the governor from the public at large.

This also would allow the people the right to vote for whether an appellate judge should be retained or replaced. We would rid ourselves of the spectacle of appellate judges raising money to campaign against another candidate.

I also propose legislation dealing with campaign spending in judicial elections. I submit that lawyers and their clients should have to disclose just how much money they and employees acting under their direction gave to a successful judge or justice. I propose that in certain instances a judge should not hear a case unless other parties who have not been so heavily involved in the judge's campaign agree in writing to allow the judge to participate.

I believe we should eliminate the risk of judicial usurpation. Let me give you an example of a judge making law and appropriating state taxes.

I call the case the Judge Reese School Take Over Ruling. The judge boasted about it in a campaign ad when he said and I quote, "I stood up to the Legislature ... when they wanted to delay school reform I told them to get back to work."

This circuit judge in the heat of a campaign for the Supreme Court acted as if he were a Legislature ... state school board ... and governor ... all in one.

He has taken over the schools ... and imposed a 225-page experimental education policy ... and he has impounded at this hour more than 22-Million dollars of ASETF revenue. What is he going to do with it? Pay legal fees? Pay the American Civil Liberties Union? Pay his hand-picked consultants?

I ask you to join me in curing judicial usurpation. I offer four proposals to do this.

First ... give the people the right to vote for a Constitutional amendment that would restrain the power of judicial review. In certain instances where the

question is so close that at least three justices have dissented ... the Legislature and the governor should be able to override the court. These instances would be limited to when the court holds that a statute violates the Alabama Constitution; draws the line on separation of powers in its favor; and ... declares what you intended when you enacted a statute.

When any such question is that close ... power should repose in the hands of a majority of the 140 members of this Legislature and not as few as five justices on the Supreme Court.

Second ... I also ask that you give the people the right to vote for a Constitutional amendment that gives back to this Legislature the power to impeach judges and justices. The measure of public accountability available by the existence of this authority was an integral part of our state Constitution until 1972. We need to restore it. This amendment would not displace the Judicial Inquiry Commission or the Court of the Judiciary.

Third ... I also propose that our Constitution be amended in the area dealing with judicial discipline. We should put more non-lawyers on the Court of the Judiciary and the Judicial Inquiry Commission. We should take other steps to ensure sound judicial administration.

Finally ... I call on the Supreme Court to amend The Canons of Judicial Ethics to condemn personal solicitations for money by any sitting judge or justice and to prevent any judge or justice from participating in the campaign of any other person for judicial office. I recognize that many good minds are currently studying the entire judicial process and I welcome their input.

A separate issue of "Tort Reform" merits discussion. Sweeping proposals that affect the laws of this state in the controversial realm of "punitive damages" and related measures affecting civil lawsuits are presently before the U.S. Congress. Laying to one side my personal view that intrusive federal laws should not dictate tort reform legislation to the states ... I see no useful purpose in devoting time and energy at this session of the Legislature to an issue where whatever is done by this body may be overridden by action in Washington.

I respectfully request the distinguished members of the Alabama Supreme Court here with us tonight to advise me if they are not at least in substantial compliance in favor of these reform measures.

I propose a tough ethics bill with teeth. A bill designed and supported by Speaker Clark ... Gov. Siegelman ... Attorney General Sessions ... the Ethics Commission and its director Mr. Mac McArthur ... and I believe by an overwhelming majority of the Legislature.

The major points of the bill are six-fold:

1) The Ethics Commission may begin investigations on its own if all five commissioners vote to do so.

2) No state official can take a job lobbying for a certain special interest until two years after leaving the state job.

3) Define the difference between a campaign contribution, a bribe, and a gift.

4) Prohibit lobbyists from giving anything to a state official other than a campaign contribution.

5) Provide protection for whistleblowers.

6) Set up a system of fines for minor ethics violations.

This bill ... thanks to you Mr. Speaker and thanks to you Gov. Siegelman ... is at the top of the legislative agenda.

I propose a campaign finance bill that will eliminate the commingling of funds so the name of a campaign contributor and final recipient of the contribution are connected and fully disclosed.

Public disclosure on a timely basis directly linking who gives and who receives is the backbone of any honest campaign finance reform.

The time has come to give the people of Alabama the right to put an issue on the ballot for a statewide referendum vote. This principle of American democracy has been proven effective down through the years in state after state. There is no danger of 'mob rule' with a signature threshold of six percent of the general election vote total including two percent of each Congressional District vote total cast in the last governor's election. I urge you to pass a resolution for a Constitutional amendment to give the people of Alabama the right of initiative and referendum. They richly deserve it.

I have had the pleasure of meeting the legislators elected since I left office in 1983. I am impressed with your energy ... your intellect ... and your sense of duty.

I ask that each of us look at the clock and the calendar. We are 90 days into the last complete legislative and gubernatorial term of the 20th century.

Let us tonight begin the work to ensure that generations of the 21st century will have even greater freedom ... opportunity and quality of life. Is this too noble a goal? Too lofty a task for the people of Alabama? I think not. May we find ourselves at this moment in history worthy of the task. Thank you."

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

ADJOURNMENT

On motion of Representative Hammett, the House adjourned until 1:30 o'clock p.m., Thursday, April 20, 1995.

SECOND DAY**House of Representatives
Montgomery, Alabama
Thursday, April 20, 1995****JOINT SESSION**

The hour of 1:30 o'clock p.m. having arrived and pursuant to the resolution, H.J.R. 5, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing an address by General Carl E. Mundy, Jr, Commandant of the United States Marine Corps.

The Joint Session was called to order by Honorable Don Seigelman, Lieutenant Governor and Presiding Officer of the Senate.

General Mundy was escorted to the Chair and was introduced by Representative Sanderford. Thereupon General Mundy delivered his address to the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Thomas Jackson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Marilyn Howard, 11th Grade, McGill-Toolen High School, Mobile, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Representative Carter, leave of absence was granted for Representative Melton.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Alabama Sunset Review Committee:

Senators Roberts, Smitherman, and Freeman.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Building Commission:

Senators Escott-Russell, Mitchem, Barron, and Langford.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Examiners of Public Accounts:

Senators Barron, Butler, Clay, McClain, and Smith.

MCDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 52. COMMENDING JEAN PIERCE AND THE B.F.I. CORPORATION FOR CONTRIBUTIONS TO MOBILE.

BILLS ON SECOND READING

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 135. (With Amendments): To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the

Ethics Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 59. To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

H. 74. To amend Section 29-2-20, Code of Alabama 1975, to add additional members to the Joint Prison Committee.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 40. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 16. (With Amendment): To require a charitable organization and certain other persons to place a disclosure label in a conspicuous place on a container or other receptacle with products for offer of sale for the purpose of soliciting funds or donations for a charitable purpose; to define the crime of unlawful charitable solicitation; to provide misdemeanor penalties for violations of this act; and to provide exceptions.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 25. To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

H. 126. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

The above bill was read a second time at length as required by the Constitution.

H. 219. Relating to material or fraudulent misrepresentations, omissions, concealment of fact, and dishonest acts or omissions by an insurance agent who sells life and health insurance; to further provide for the regulation of insurance agents who sell life and health insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

H. 230. To establish an anti-fraud unit within the Workers' Compensation Division of the Department of Industrial Relations to investigate complaints.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 202. (With Amendment): To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority is required to lay off all contracted and appointed employees before laying off any merit system employee in the classified service.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 92. To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 27. To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 120. (With Amendment): To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 77. To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

H. 139. To amend Section 34-23-74, Code of Alabama 1975, to provide further for the stocking and dispensing of certain drugs.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 38. To replace the language in Article VIII of the Constitution of Alabama of 1901 by repealing the existing Article VIII and proposing a new Article VIII; to provide eligibility requirements for voting; and to provide that the Legislature would, by statute, provide for registration to vote, secrecy in voting, the administration of elections, and the nomination of candidates.

The above bill was read a second time at length as required by the Constitution.

H. 53. To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 66. (With Amendment): To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 48. To amend Sections 9-16-4 and 9-16-8 of the Code of Alabama of 1975, to exempt a person operating a noncommercial surface mining operation on his or her property for their use from the permitting and bonding requirements.

H. 71. To amend Sections 6-6-1 and 8-1-41 of the Code of Alabama 1975, relating to arbitration, so as to make agreements to arbitrate future controversies enforceable.

H. 128. Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of these metals; to permit certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1. Relating to Washington County; requiring the Washington County Tax Collector to be responsible for all delinquent tax collections.

H. 2. To alter or rearrange the boundary lines of the Town of Toxey, Choctaw County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

H. 19. Relating to Clarke County; providing for the pistol permit fee of the sheriff; providing for the distribution of the funds; providing for the establishment of a fund known as "The Sheriff's Fund"; providing for an audit of the funds; and providing for the repeal of Act No. 294. H. 1052, 1977 Regular Session (Acts 1977, p. 396).

H. 61. Relating to Henry County; amending Act No. 93-386, H. 828, 1993 Regular Session, which provided for additional court costs, to provide further for those costs.

H. 73. Relating to Etowah County; levying a sales and use tax effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

H. 80. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the jurisdiction of the Franklin County School System.

The above bill was read a second time at length as required by the Constitution.

H. 88. Relating to Sumter County; providing for the distribution of certain funds received by the county from the disposal of hazardous waste; and to provide for retroactive effect.

H. 101. Relating to Chilton County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

H. 103. Relating to Chilton County; providing for an additional expense allowance and salary for the coroner; and providing for the expiration of the expense allowance.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 221. (With Amendment): Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

H. 222. (With Amendment): Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 223. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Hillsboro in Lawrence County.

H. 224. Relating to Lawrence County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

H.J.R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

Also:

H.J.R. 4. RELATIVE TO MEETING DAYS.

Also:

H.J.R. 5. INVITING THE COMMANDANT OF THE UNITED STATES MARINE CORPS TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 6. HONORING GENERAL CARL E. MUNDY, JR., COMMANDANT UNITED STATES MARINE CORPS.

WHEREAS, it is with especial pride that the Alabama Legislature welcomes to this assemblage General Carl E. Mundy, Jr., Commandant of the United States Marine Corps, whose outstanding career and accomplishments have brought honor and acclaim to Auburn University and the State of Alabama; and

WHEREAS, General Mundy, who has served as Commandant of the United States Marine Corps since his appointment by President George Bush in 1991, is a graduate of Sidney Lanier High School in Montgomery and Auburn University, where he began his long and distinguished military career when he was commissioned a Second Lieutenant in the Marine Corps in 1957; and

WHEREAS, in early assignments from 1957 to 1967 General Mundy served aboard the aircraft carrier "Tarawa" and the cruiser "Little Rock"; as a Marine Corps Basic School and officer training instructor; operations and executive officer; and as an Intelligence Officer in the Third Marine Amphibious Force in Vietnam; and

WHEREAS, in the years to follow, General Mundy's exceptional leadership ability and military acumen led to a succession of promotions and assignments of increasing responsibility and command, including commanding officer of a Marine battalion, a Marine regiment, two Marine amphibious units and staff positions at home and abroad, and to his promotion to the rank of Brigadier General in 1982; and

WHEREAS, he was promoted to the rank of Major General and served as Director of Operations, United States Marine Corps between 1982 and 1986; assigned to the prestigious position of Deputy Chief of Staff to the Joint Chiefs of Staff and promoted to the rank of Lieutenant General in 1988; and simultaneously assigned as Commanding General of the United States Atlantic Fleet Marine Force, the Second Marine Expeditionary Force, the Allied Command Atlantic Marine Striking Force, and of the Fleet Marine Force Europe in 1990; and

WHEREAS, over his career, General Mundy has demonstrated those finest qualities and standards of professionalism and leadership, and an unfaltering devotion to duty and country at personal risk and sacrifice for which he received the Legion of Merit, the Bronze Star Medal with Combat V, the Purple Heart, two Navy Commendation Medals and the Vietnam Cross of Gallantry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation and tribute that we recognize and honor General Carl E. Mundy, Jr., USMC, an outstanding American of whom we are justly proud, and to whom a copy of this resolution shall be presented as a measure of our sincere regard and esteem.

On motion of Representative Carter, the resolution, H.J.R. 6, was adopted.

ELECTION OF MEMBERS TO BUILDING COMMISSION

The House elected Representatives Graham and Smith as members of the Building Commission.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 18. MOURNING THE TRAGIC DEATH OF ANDREA GONZALEZ.

WHEREAS, it is with profound grief and shock that the people of Franklin County and the state have learned of the tragic death of little Andrea Gonzalez of the Tharptown Community, confirming their worst fears surrounding her suspicious disappearance in November, 1993; and

WHEREAS, Andrea Gonzalez endeared herself to all who knew and loved her, even though the child lived her brief life in fear and sadness due to the unstable and abusive environment created by her parents and stepmother; and

WHEREAS, the concerned citizens of Franklin County and Tharptown became dedicated to the task of seeking out the truth following her mysterious disappearance in 1993; and

WHEREAS, a neighbor of Andrea's, Mrs. Gayle Davis, kept the public focused on Andrea's case by organizing a candlelight vigil on March 19, 1994, never forgetting the little girl she and her family loved so much; and

WHEREAS, the Andrea Gonzalez case was the most exhausting, comprehensive, and expensive case in the law-enforcement history of the county, involving scores of local, state, and federal authorities, as well as the Texas Rangers and hundreds of volunteers; and

WHEREAS, after more than 15 months of intense investigation, Mrs. Kim Gonzalez, Andrea's stepmother, made a startling confession that she had dropped the child's dead body into Upper Bear Creek Lake after placing her in scalding water; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this Legislature, and Representative Johnny Mack Morrow and Senator Roger Bedford, grievously mourn the tragic death of Andrea Gonzalez.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Franklin County Commission for permanent display in the lobby of the county courthouse along with Andrea's picture and newspaper articles which adequately tell her tragic story.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Director of the Franklin County Department of Human Resources for permanent display in a special room forever painted pink in the building housing the department along with Andrea's picture and newspaper articles which adequately tell her tragic story.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the President of the University of North Alabama for permanent display at an appropriate location on the campus.

RESOLVED FURTHER, That we urge the University of North Alabama to establish a memorial fund for Andrea Gonzalez to fund a child abuse prevention and public awareness educational program at the university.

On motion of Representative Carter, the resolution, H.J.R. 18, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 13. CONDEMNING THE FAILURE OF THE GOVERNING BODY OF THE CITY OF HUNTSVILLE TO FOLLOW APPROPRIATE PROCEDURE IN SELECTING THE MEMBERS OF THE BOARD OF DIRECTORS OF THE HUNTSVILLE HOSPITAL.

WHEREAS, the composition and method of appointing the Board of Directors of the Huntsville Hospital are, pursuant to the general law of this state, specified in the Certificate of Incorporation of the hospital; and

WHEREAS, in establishing the Huntsville Hospital, the Governing Body of the City of Huntsville, declaring it was wise, expedient, and necessary that the hospital be formed, approved the Certificate of Incorporation and officially ratified the hospital; and

WHEREAS, this Certificate of Incorporation, properly and duly authorized and approved by appropriate resolution of the Governing Body of the City of Huntsville, with clarity and conciseness, specifies that the Members of the Board of Directors of the hospital shall be appointed by the Governing Body of the city, with each appointment selected exclusively from a list of nominees submitted by the Board of Directors of the hospital; and

WHEREAS, we note with consternation and dismay, the collective misconduct of the Governing Body in its willful, intentional, and arrogant disregard for the selection process for the Board of Directors of the hospital required by the Certificate of Incorporation, as lawfully validated and endorsed by the Governing Body of the city according to general law; and

WHEREAS, the failure of the Governing Body to conform to the selection process provided pursuant to statute, indicates such a disrespect and disdain for the law of this state and its citizens in whose behalf it was enacted as to constitute a potential malodorous and malicious act of malfeasance; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That this legislative body demands an immediate cessation of the unlawful methods of the Governing Body of the City of Huntsville in appointing members of the Board of Directors of the Huntsville Hospital and earnestly beseeches the Governing Body to follow the expressed procedure for the selection of members of the Board of Directors of the Huntsville Hospital as specified in the Certificate of Incorporation.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the members of the Governing Body of the City of Huntsville so that each member may completely understand our displeasure and our utmost desire that the laws of this state be properly implemented.

On motion of Representative Carter, the resolution, H.R. 13, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 14. DESIGNATING ALABAMA HIGHWAY 275 AT HIGHWAY 77 IN TALLADEGA COUNTY, "THE JIMMY GRANT FREEMAN BYPASS."

WHEREAS, the Alabama Legislature notes the unselfish patriotic heroism of Jimmy Grant Freeman during the Vietnam Conflict while he was assigned by the United States Army to the Mobile Advisory Team 71 at Soc Trang, and after emergency leave volunteered to rejoin his company in Vietnam during the height of the fighting and casualties; and

WHEREAS, in 1969, Jimmy Grant Freeman fought valiantly and lost his life during a fierce Viet Cong attack against his company's camp; and

WHEREAS, Jimmy Grant Freeman was posthumously awarded the Silver Star Medal, and the Advisory Team 71 Headquarters Compound was redesignated to bear his name; and he was inducted into the prestigious Military Hall of Honor at Marion Military Institute; and

WHEREAS, our native son, Jimmy Grant Freeman made the ultimate sacrifice of his life so that we may be free; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the valor, bravery, and patriotism of Jimmy Grant Freeman for the cause of freedom, the bypass of Alabama 275 at Highway 77 in Talladega County is designated "The Jimmy Grant Freeman Bypass" and that a copy of this resolution be forwarded to the City of Talladega and to the family of Mr. Jimmy Grant Freeman.

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers designating "The Jimmy Grant Freeman Bypass" and that a copy of this resolution be sent to the State Department of Transportation.

On motion of Representative Carter, the resolution, H.J.R. 14, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 27. RECOGNIZING WITH COMMENDATION THE 175TH ANNIVERSARY OF COKER BAPTIST CHURCH.

WHEREAS, the Alabama Legislature notes with highest commendation the 175th Anniversary Celebration of Coker Baptist Church for its many years of Christian worship and service to the community; and

WHEREAS, as one of the oldest churches in the Tuscaloosa Association, historic Big Creek Church was located eight miles northwest of the City of Tuscaloosa and was the fruitful mother of several churches since its organization in 1820; and

WHEREAS, in 1944 the church moved from beside Highway 82, its location for 110 years, into the heart of Coker, Alabama, and members eventually voted unanimously to change its name to Coker Baptist Church; and

WHEREAS, over the years, innumerable dedicated Christians have made Coker Baptist Church their church home, where they have worshipped and labored in the Lord, so this 175th Anniversary Celebration, on July 16, 1995, is an occasion of thanksgiving and praise for His everlasting mercy and grace so generously bestowed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude for the many contributions to the spiritual needs of its neighbors and for the progress and betterment of its community, state, and country, we join with all present and former members of Coker Baptist Church in celebrating its 175th anniversary.

BE IT FURTHER RESOLVED, That a copy of this resolution, of lasting tribute and esteem, be provided for presentation during the Anniversary Celebration on Sunday, July 16, 1995, with sincere best wishes for continued growth and success.

On motion of Representative Carter, the resolution, H.J.R. 27, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 19. URGING RESISTANCE TO AND TOTAL REJECTION OF ANY ATTEMPT BY THE FEDERAL GOVERNMENT TO INTERJECT ITSELF INTO THE EDUCATIONAL AFFAIRS OF THE STATE.

WHEREAS, the Tenth Amendment to the Constitution of the United States reserves to the states or to the people powers not delegated to the United States by the Constitution nor prohibited by it to the states; and

WHEREAS, the Constitution of the United States does not reserve to the federal government any exclusive or limited powers relating to the control of education, nor does the Constitution prohibit states from exercising such powers; and

WHEREAS, the State of Alabama has provided for a strong educational system; and

WHEREAS, the strength of our educational system is derived in great part from the flexibility and versatility of our state policy which allows for the delivery of education to meet a broad range of needs; and

WHEREAS, private schools, home schools, and other schools of our state are all integral parts of that educational delivery system; and

WHEREAS, the State of Alabama recognizes the value of all our schools and can verify their contributions; and

WHEREAS, control of education by parents, by local school boards, and by the State of Alabama is vital to the maintenance of our republican form of government; and

WHEREAS, any forced imposition of federal standards jeopardizes the foundation on which our form of government is based; and

WHEREAS, it is the position of the State of Alabama that the role of the state in providing for the education of our people, including the preparation and monitoring of those who are responsible for providing that education, is reserved to the parents, to the state, and to the local school districts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, the members of the Legislature of Alabama, emphatically urge resistance to and total rejection of any attempt by the federal government to interject itself into the educational affairs of this state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States, the Honorable Bill Clinton, to the President of the Senate and to the Speaker of the House of Representatives of Congress, and to each member of the congressional delegation representing the State of Alabama in the Congress of the United States.

On motion of Representative Carter, the resolution, H.J.R. 19, was adopted.

Yeas 44; Nays 23.

Yea:

Mr. Speaker, Allen, Box, Carns, Carter, Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Haney, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Maull, McKee, McMillan, Morrow, Morton, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Sanderson, Sims, Thomas (D), Townsend, Turner, Turnham, Vance and Willis.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Spratt and Thomas (J).

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REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 20. COMMENDING VINCENT BRADLEY NEWBILL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest praise and commendation that the Alabama Legislature recognizes Vincent Bradley Newbill of Mobile, Alabama, a young Alabamian of extraordinary achievement; and

WHEREAS, Vincent Bradley Newbill, an outstanding young man of exceptional talent and ability, is a recent graduate of Shaw High School in Mobile, where he was named Class Valedictorian and Most Outstanding Senior, and served as Class President both his junior and senior years; and

WHEREAS, he was also captain of the football and baseball teams, and a member of the Mobile County All Area Baseball Team for 6A Area II and the Lions Club All Star Baseball Team; and

WHEREAS, additionally, he was a member of the National Honor Society, Geometry, Algebra II and Trigonometry Teams, Scholars Bowl, Scott Hi Q and Boys State, and is an active member of Alpine Hills Church of Christ; Vincent further was a member of the marching, symphonic and jazz bands and received the Superior Medal in solo as well as ensemble awards; and

WHEREAS, Vincent has amassed innumerable awards and honors during his high school years including Midtown Sertoma Club 1994 Student-Athlete of the Year for Mobile County, Crichton Optimist Club Scholar Athlete, Mobile Rotary Club Youth Merit Award, Bryant-Jordan Regional Achievement Award, International Juvenile Officer Association Award, Scholar Athlete from the Army Reserve Award, Student Academic Award from the Marines, Student Gold Apple Award from the Governor of Alabama, WPMI Student of the Week, and nomination to the 1994 Mobile Register Top 10 Academic Team and Birmingham Post-Herald Regional Alabama All Star Academic Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Vincent Bradley Newbill of Mobile, Alabama, for whom a copy of this resolution shall be provided, with warm best wishes for every future success.

On motion of Representative Carter, the resolution, H.J.R. 20, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 21. COMMENDING DOROTHY A. GILROY KNAPP FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation, that the Alabama Legislature recognizes the many and outstanding professional and community accomplishments of Dorothy A. Gilroy Knapp of Mobile, Alabama, and

WHEREAS, Dorothy A. Gilroy Knapp, a graduate of the Mobile public schools, Providence Hospital School of Nursing, the Universities of Mobile and South Alabama, has been employed and held every position in nursing from student to administration, including Director of Nursing at Greenlawn Hospital in Atmore, during her 49 years of nursing; and

WHEREAS, she has served in leadership in numerous health related and civic organizations such as chairman and charter member of the Alabama State Nurses Association, American Red Cross, American Heart Association, American Diabetes Association, Mobile Arts Council, and American Cancer Society to name just a few; and

WHEREAS, because of her exemplary high standards of professionalism, she has earned the respect and admiration of her colleagues, and has received numerous awards of excellence including the Professional Dedication Award from Mobile College, the Lillian B. Smith Award from the Alabama State Nurses Association, the Lamplighter Award from the Alabama League for Nursing, the National League for Nursing Centennial Leadership Award, and the Outstanding Alumnus Field of Healthcare from the University of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding dedication and achievement in the field of nursing, we hereby most highly commend Dorothy A. Gilroy Knapp of Mobile, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 21, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 22. COMMENDING VICTOR A. MCSWAIN, P.E. OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Victor A. McSwain, a prominent Mobilian who has greatly achieved in his chosen field, and who continues in dedicated service and support of the Mobile community and to the City of Mobile as Transportation and Planning Director; and

WHEREAS, Mr. McSwain earned his B.S. and Masters degrees in Civil Engineering from the University of South Alabama and Pennsylvania State University, respectively, and served as Traffic Engineer for the City of Mobile for seventeen years prior to assuming his present position in 1992; and

WHEREAS, Mr. McSwain is a member of Tau Beta Pi Engineering Honor Society; received the outstanding Transportation Engineer Award for 1987; and was named Transportation Engineer of the Year in 1994; and

WHEREAS, in significant contributions to the community, Mr. McSwain has served as president of the Crichton Optimist Club and of the University of South Alabama Alumni Association, and is an active and involved member of the Mobile City Planning Commission Planning Committee, Main Street Board of Directors, and University of South Alabama College of Engineers Industrial Advisory Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional achievement and exemplary service to the City of Mobile and to the state, we hereby extend highest commendation to Victor A. McSwain, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 22, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 23. COMMENDING JIMMY SANFORD OF PRATTVILLE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the election of Jimmy Sanford of Prattville, Alabama, as the 44th president of the National Cotton Council (NCC), the central organization for the U. S. cotton industry; and

WHEREAS, Mr. Sanford, who serves as president and chairman of Home Place Farms, a diversified farming enterprise, had previously served NCC in such capacities as treasurer, vice chairman of the Research and Education Program Committee, and chairman of the Industry/Government Research Committee, and was serving as chairman of The Cotton Foundation, prior to his election as president; he also participated in several industry trade missions to Europe and the Far East for Cotton Council International and USDA's Foreign Agricultural Service; and

WHEREAS, a graduate of Auburn University with a master's degree in economics, Mr. Sanford provides invaluable leadership and support in a number of agribusiness organizations, including the Alabama Agribusiness Council, Alabama Cotton Commission, Autauga County Farmers Federation and Autauga Quality Cotton Association, and within the community, serving on the advisory boards of three universities and in civic and cultural involvements; and

WHEREAS, Mr. Sanford and his wife, the former Dot Hardage, are the proud parents of three children, Susan, Catherine and Will; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon his election as president of the National Cotton Council, and in tribute to outstanding contributions to the cotton industry and agriculture in our state and nation, we hereby most highly commend Jimmy Sanford of Prattville, Alabama, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 23, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 24. COMMENDING THE AUTAUGAVILLE HIGH SCHOOL EAGLES AS THE 1995 STATE CLASS 1A BASKETBALL CHAMPIONS.

WHEREAS, it is with sincere pleasure that the Alabama Legislature extends highest commendation and heartiest congratulations to the Autaugaville High School Eagles Basketball Team on their capture of the 1995 State Class 1A Championship Title, its second state title in the past five years; and

WHEREAS, under the talented leadership of Head Coach Calvin Hunter, most ably assisted by Coach Norman Douglas, the Eagles successfully defeated the St. Jude Pirates, 71-66, in final round play to secure the Title and finish the season with an impressive 28-3 record; and

WHEREAS, greatly contributing to an outstanding team effort were Champion Eagles Norman "Dale" Golson, Reginald Brown, Chris Love, Reshando Carroll, Darvin Dickerson, Marcus Steele, Jerry Broadnax, Rico Love, Larry Patrick, Mario Burns, Andre Howard and Tobe Nowak; and

WHEREAS, this outstanding group of young men have indeed brought immense happiness and pride to their community and state, and in recognition thereof the team members, the members of the coaching staff, and all of those individuals associated with the team are deserving of special public recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Calvin Hunter and the Autaugaville Eagles as the 1995 State 1A Basketball Champions, and do further direct that copies of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 24, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 17. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

WHEREAS, certain Social Security recipients born between 1917 and 1921 are receiving reduced benefits as a result of 1977 congressional legislation that created the wage-indexed computation method; and

WHEREAS, "Notch Babies" who reached age 62 between 1979 and 1983 have been forced to accept a substantial decrease in benefits under the new computation method as opposed to what their benefits would have been under the old method used prior to 1977; and

WHEREAS, Congress has allowed this inequity to continue without resolution since it was first brought to their attention in 1982; and

WHEREAS, Congress established a Commission on the Social Security "Notch" Issue which concluded that the Social Security recipients born between 1917 and 1921 should continue to receive the reduced benefits as a result of 1977 congressional legislation that created the wage-indexed computation method; and

WHEREAS, Congress should disregard the conclusion of the Commission because this conclusion continues the inequities that the 1977 congressional legislation created; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the Congress of the United States to take the necessary legislative action during its 1995 session to correct the "Notch Baby" Social Security inequity.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to every member of the Alabama congressional delegation.

On motion of Representative Carter, the resolution, H.J.R. 17, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 30. REQUESTING THE ALABAMA SECRETARY OF STATE TO FURNISH ONE COPY OF THE BOUND ACTS AND ONE COPY OF THE BOUND JOURNALS UPON REQUEST TO MEMBERS OF THE ALABAMA LEGISLATURE.

WHEREAS, pursuant to Section 29-1-12 of the Code of Alabama 1975, the Secretary of the Senate and the Clerk of the House of Representatives are responsible for checking, comparing, completing, and filing the journals of their respective houses in the Office of the Secretary of State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, only upon written request of a member of the Legislature, the Alabama Secretary of State shall furnish one copy of the bound acts and one copy of the bound journals to that member.

BE IT FURTHER RESOLVED, That copies of this resolution be given to the Secretary of State, the Secretary of the Senate, and the Clerk of the House of Representatives.

On motion of Representative Carter, the resolution, H.J.R. 30, was adopted.

CO-SPONSOR ADDED

Representative Carter was added as co-sponsor to the resolution, H.J.R. 30.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 31. HONORING DR. WILLIAM HAMILTON HARRIS ON BEING INAUGURATED AS PRESIDENT OF ALABAMA STATE UNIVERSITY

WHEREAS, it is with highest commendation and warmest congratulations that the Legislature of Alabama recognizes Dr. William H. Harris on being selected as the 10th President of Alabama State University; and

WHEREAS, a native of Fitzgerald, Georgia, born July 22, 1944, Dr. Harris received an A.B. degree from Paine College in 1966, an M.A. from Indiana University in 1967, and a Ph.D. from Indiana University in 1973; and

WHEREAS, Dr. Harris has served in such notable positions as Vice-President and President Elect for the Association of Texas Colleges and Universities, Board of Directors for Greater Houston Partnership and Houston International Festival, and President of Southwestern Atlantic Conference Council of Presidents; and

WHEREAS, participant in various significant professional organizations including Organization of American Historians, National Association for Equal Opportunity, and Association for the Study of Afro-American Life and History, Dr. Harris has established himself as a capable and talented authority in many areas; and

WHEREAS, Dr. Harris has also made immeasurable contributions to his community by undertaking such responsibilities as conference lecturer, project advisor, and dissertation director, among others too numerous to mention; and

WHEREAS, an insightful and prolific author of countless books and other publications, Dr. Harris has been bestowed such prestigious honors and awards as Indiana University Distinguished Alumni Service Award, United States Foreign Affairs Scholar, Paine College Special Trustees' Award, and Susan O'Kell Memorial Award for Distinguished Teaching, earning the respect of his colleagues and community; and

WHEREAS, Dr. Harris has been married since 1966 to his dedicated and loving wife, Wanda Filmore Harris, and the couple is blessed with two children, Cynthia M. Harris and William J. Harris; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his esteemed position as President of Alabama State University, the Alabama Legislature hereby honors Dr. William H. Harris and furthermore directs that a copy of this resolution be provided as evidence of our personal regard.

On motion of Representative Carter, the resolution, H.J.R. 31, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 32. COMMENDING THE BUCKHORN BUCKS BASKETBALL TEAM OF NEW MARKET, ALABAMA, FOR WINNING THE CLASS 5A STATE BASKETBALL TITLE.

WHEREAS, the Alabama House of Representatives most heartily congratulates and commends Coach Phillip Collie and his Buckhorn Bucks, the 1994-95 Class 5A State Basketball Champions; and

WHEREAS, this outstandingly talented team of young athletes led by Coach Collie made their dream come true by virtue of an extraordinary victory in double over-time, 75-69 over the Phillips Red Raiders, to win their first Class 5A title and their second state title in five years; and

WHEREAS, members of the championship team are Maurice Baker, Devin Beasley, Kyle Clemons, Ben Cole, Marcus Davidson, Gerald Dillard, Chauncey Ford, Greg Griffin, John Hill, Darwin Hobbs, Tony Leslie, Madrae Scruggs, Donald Wynn, and Michael Wynn; along with team managers Clay Collie, Travis Pope, Torrey Strong; head coach Phillip Collie, and assistant coaches, Chris Bolen and Jon Cardwell; and

WHEREAS, the Bucks, are indeed to be praised for an enviable season and for all the hard work that made it possible; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That in recognition of outstanding accomplishment, we most highly commend the Madison County Buckhorn Bucks of New Market, Alabama on their class 5A Basketball Championship, and it is directed that a copy of this resolution be provided to Principal Tommy Ledbetter for the purpose of appropriate presentation and school display.

On motion of Representative Carter, the resolution, H.J.R. 32, was adopted.

2nd Day**REPORT OF STANDING COMMITTEE ON RULES**

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 33. COMMENDING THE HAZEL GREEN LADY TROJANS, STATE 5A BASKETBALL CHAMPIONS.

WHEREAS, the Alabama House of Representatives most heartily congratulates and commends the Hazel Green Lady Trojans of Hazel Green, Alabama on the 1994-95 State Basketball Championship; and

WHEREAS, Coach Clay Giles and assistant Coach Laynette Coble, led the outstandingly talented team of young athletes to an incredible and improbable victory over Phillips of Birmingham, to win their first girls state basketball title; and

WHEREAS, the top-ranked Lady Trojans ended their state championship season with a 31-2 record made possible by the outstanding efforts of each and every team member including: Amanda Stafford, Amber Jones, Krista Patterson, Shamolie Wyckoff, Lori Campbell, Malinda Edwards, Allison Davis, Nicole Neve, Tracey Walker, Candace Campbell, Robin Stafford, Sari Badgett, Beth Kerby, Leela Underwood, and team manager, Missy Cook; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we hereby most highly commend Coach Clay Giles and the Hazel Green Lady Trojans on the 1994-95 State 5A Basketball Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Coach Giles, on behalf of his staff and the entire team, and for appropriate display at Hazel Green High School.

On motion of Representative Carter, the resolution, H.J.R. 33, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 3. ELECTING A LEGISLATIVE REPRESENTATIVE TO THE GULF STATES MARINE FISHERIES COMMISSION.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 3.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 4. RECOGNIZING THE SPACE SHUTTLE MAIN ENGINE PROGRAM AND MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 4.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 8. MOURNING THE DEATH OF KELLY ANTONETTE DEFOE OF ATHENS, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 8.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolutions and ordered same returned to the House with a favorable report:

S.J.R. 9. MOURNING THE DEATH OF REGINA FAYE CLARK OF ATHENS, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 9.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 10. MOURNING THE DEATH OF ARTHUR ALLEN MING OF ATHENS, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 10.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 13. COMMENDING THE ALABAMA CHILDREN'S REHABILITATION SERVICE ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 13.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 14. COMMENDING THE JEFFERSON DAVIS HIGH SCHOOL VOLUNTEERS ON THE 1995 STATE 6A BASKETBALL CHAMPIONSHIP.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 14.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 15. COMMENDING CLYDE B. ANDERSON OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 15.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 16. COMMENDING CAROLINE SELF, ALABAMA'S 1995 JUNIOR MISS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 16.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 17. MOURNING THE DEATH OF JESSE J. LEWIS, JR., OF BIRMINGHAM, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 17.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 18. COMMENDING COACH DON COX, 4A-6A FOOTBALL COACH OF THE YEAR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 18.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 19. COMMENDING DERON DAVIS OF HUEYTOWN, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 19.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 20. NAMING THE NEW DOG RIVER BRIDGE IN MOBILE COUNTY THE "JOHN ROBERTS PEAVY BRIDGE."

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 20.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 24. COMMENDING YETTA G. SAMFORD, JR., FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 24.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 25. HONORING DR. WAYNE TEAGUE FOR HIS TWENTY-YEAR SERVICE TO ALABAMA AS STATE SUPERINTENDENT OF EDUCATION.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 25.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 26. HONORING THE CENTRAL HIGH SCHOOL COUGARS FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 26.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 27. RECOGNIZING SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION, INC.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 27.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 11. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA MEDICAID AGENCY'S PROPOSED AMENDMENT OF RULE NO. 560-X-16-.09, ENTITLED "PRIOR AUTHORIZATION."

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 11.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 45. DESIGNATING A PORTION OF U.S. HIGHWAY 29 AND COUNTY ROAD 43 IN COVINGTON COUNTY AS "THE HISTORIC THREE NOTCH TRAIL."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U.S. Highway 29, which begins at the Escambia County/Covington County line, and proceeds northeast through the City of Andalusia, Alabama, to the Town of Heath, Alabama, and Covington County Road 43 in its entirety, are hereby named and designated, and shall henceforth and forever be known, as "The Historic Three Notch Trail."

BE IT FURTHER RESOLVED, That the proper authorities are authorized to erect and maintain appropriate signs and markers to reflect this designation.

On motion of Representative Carter, the resolution, H.J.R. 45, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 46. RECOGNIZING HISTORIC DEVEREUX HILL IN ANDALUSIA, ALABAMA, AND REQUESTING THAT A SIGN BE PLACED THEREON.

WHEREAS, Devereux Hill, also known as "Debro" has been a historic landmark in Covington County for 170 years and is named for John W. Devereux, an early resident of Covington County; and

WHEREAS, aside from writing the enabling acts that created Covington County, Mr. Devereux was Covington County's first postmaster, county judge, and senator; and

WHEREAS, Mr. Devereux lived at Montezuma, in Covington County, for ten years, before moving to Macon County and later to the Republic of Texas; and

WHEREAS, Mr. Devereux's son, Julian Sidney Devereux, was equally influential and married Adaline Bradley, a member of a very prominent Covington County family; he was named to the Board of Trustees at the University of Alabama in 1833; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the proper officials are authorized to erect and maintain appropriate signs and markers designating "Devereux Hill 'Debroy'" and that the State Department of Transportation be sent a copy of this resolution.

On motion of Representative Carter, the resolution, H.J.R. 46, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 47. COMMENDING POLICE OFFICER LARRY HAMMONDS FOR OUTSTANDING HEROISM.

WHEREAS, Poarch Creek Indian Reservation Police Officer Larry Hammonds is indeed deserving of highest commendation for his quick, decisive and courageous actions in coming to the rescue of victims of a fiery head-on collision on December 14, 1994; and

WHEREAS, while driving on U.S. Highway 31 North of Atmore, Officer Hammonds witnessed the car immediately in front of him hit a strayed cow in its path, swerve to the opposite lane, crash into an oncoming car, and burst into an inferno of flames; and

WHEREAS, Officer Hammonds, realizing the urgency of the situation, reacted swiftly and deliberately, and without regard for his own personal safety, summoning rescue units, caring for the needs of the injured, and extinguishing the flames in the burning car, using two fire extinguishers to finally subdue the fire; the woman trapped inside the car was later freed and saved by the "jaws of life"; the man in the other car had miraculously managed to crawl from the crash scene despite two broken legs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary heroism, highest commendation is hereby accorded Police Officer Larry Hammonds, whose valiant action exemplifies the highest degree of concern of one human being for another.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Officer Hammonds as an expression of honor and esteem.

On motion of Representative Carter, the resolution, H.J.R. 47, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 48. COMMENDING THE MAPLESVILLE LADY RED DEVILS ON THE ALABAMA CLASS 1A BASKETBALL CHAMPIONSHIP.

WHEREAS, with utmost pride and pleasure, heartiest congratulations are herein extended to Coach Janet Sparks and her Maplesville Lady Red Devils on winning the 1995 State Class 1A Division Basketball Championship; and

WHEREAS, Coach Janet Sparks directed an outstandingly talented team of fine young athletes, each and every one of whom greatly contributed to their school's sensational season and the 1995 Championship: tournament MVP Lakesha Bearden, Christie Tillis, Chrissy Arnold, Amanda Johnson, Leigh Ferguson, Stacey Tillery, Vallery Barron, Kim Pryor, Beverly Smitherman, Latoya Andrews, Dana Harrison, and Kelly Carter; and

WHEREAS, the Lady Devils beat the Speake Lady Bobcats, 54-43, to capture the Class 1A State Basketball Championship after a season record of 24-2; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishments, highest commendation is hereby bestowed upon Maplesville Lady Red Devils on winning the 1995 State Class 1A Division Basketball Championship and do further direct that copies of this resolution be presented to Coach Sparks, on behalf of the team and for appropriate display at Maplesville High School.

On motion of Representative Carter, the resolution, H.J.R. 48, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 49. COMMENDING THE COOSA COUNTY CENTRAL HIGH SCHOOL COUGARS ON THE 1995 STATE 4A BASKETBALL CHAMPIONSHIP.

WHEREAS, it is with sincere pride that the Alabama Legislature herein extends heartiest congratulations to the Coosa County Central High School Cougars as Alabama's 1995 State 4A Basketball Champions; and

WHEREAS, the Cougars spectacular championship victory culminated a remarkable season, showcasing the exceptional skill and talent of head coach, Joe Belyeu, who was individually honored as "Coach of the Year," and his able assistant, Coach Billy P. Williams; and

WHEREAS, it also reflected the will-to-win spirit of Champion team members Marcus Whetstone, Lamarius Whetstone, Sherra Whetstone (Academic All State, State Tournament MVP, and All State Team), Terrance Foster, Yata McElrath, Lapoleon Russell, Terrance Leonard (All Tournament Team), Raphaele Gilbert, Adrian Childs, Brandon Porter (All Tournament Team), Antonio Simmons (one invitational all tournament team), Fione Williams, Latarvis Norman, and Adalius Thomas (All Tournament Team, All State Team, and "Player of the Year"); and

WHEREAS, further contributing to the Cougars' success were managers, James Talton, John Talton, Diedre Caldwell, and Joey Belyeu; statistician, Kim Belyeu; and scorekeepers, Phillip Gaddis and Cynthia Lee; and

WHEREAS, the talented Cougars, who ended the season with an impressive 31-1 record, also achieved Championship status in the Coca Cola Classic, Opelika Invitational, Marble City Classic, Regional Tournament in Troy, and the State Tournament in Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, highest commendation and congratulations are hereby accorded Coach Belyeu and the Coosa County Central High School Cougars on the 1995 State 4A Basketball Championship, and it is further directed that copies of this resolution be provided for appropriate presentation and school display.

On motion of Representative Carter, the resolution, H.J.R. 49, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 50. HONORING LISA BRADEN FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama warmly congratulates Miss Lisa Braden of Springville, Alabama, on being selected as International Varsity Cheerleader of the Year; and

WHEREAS, Miss Braden won this title at the CANAM Senior Grand Championship, held March 25-26, 1995, in Myrtle Beach, South Carolina, competing against athletes from the United States, Germany, and Canada; and

WHEREAS, the daughter of David and Paula Braden, Lisa is a senior at Springville High School, where she is a member of the award-winning Springville High School Varsity Cheerleading Squad; and

WHEREAS, Miss Braden has won other awards for outstanding ability such as Most Valuable Player of St. Clair County Cheerleaders, and was furthermore selected as one of Alabama's top ten cheerleaders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to tremendous achievement, the Alabama Legislature hereby extends highest commendation to Miss Lisa Braden on being selected as International Varsity Cheerleader of the Year.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Miss Lisa Braden as evidence of our great pride and esteem.

On motion of Representative Carter, the resolution, H.J.R. 50, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 51. COMMENDING THE SPRINGVILLE HIGH SCHOOL VARSITY CHEERLEADING SQUAD FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with sincere pleasure and pride that the Alabama Legislature most heartily commends and congratulates the Springville High School Varsity Cheerleading Squad on their selection as First Alternate for Small Varsity at the CANAM Senior Grand Championship, March 25-26, 1995, in Myrtle Beach, South Carolina; and

WHEREAS, this outstanding group of young Alabamians, who performed flawlessly against entrants from the United States, Germany and Canada to claim the title, have also captured such honors as the St. Clair County Championship and 2A Varsity State Championship, and all eight members were All County Cheerleader Champions; and

WHEREAS, superbly coached by their sponsors, Laura Bailey and Peggy Jones, members of this award-winning Championship Team are: Lindsay Kennemur, Heather Chamblee, Ashley Burttram, Melissa Taylor, Rachael Russell, Kim Barrett, Heather Young (one of Alabama's Top 10 Cheerleaders), and Lisa Braden (International Varsity Cheerleader of the Year, MVP of County Cheerleaders, and one of Alabama's Top 10 Cheerleaders); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, highest commendation is hereby bestowed upon the Springville High School Varsity Cheerleading Squad and their sponsors, Laura Bailey and Peggy Jones, and it is further directed that copies of this resolution be provided for appropriate presentation and display, and as a measure of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 51, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

H.J.R. 9. MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

MOTION OFFERED

Representative Carter offered the motion to adopt the resolution, H.J.R. 9.

SUBSTITUTE OFFERED

Representative Kennedy offered the following substitute to the resolution, H.J.R. 9:

MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the death of Bishop William Milton Smith of Mobile, Alabama, on April 12, 1995; and

2nd Day

WHEREAS, elected as one of the 100 Most Influential Blacks in America by Ebony Magazine for five consecutive years, Bishop Smith served in spiritual leadership of the African Methodist Episcopal Zion Church of Mobile for nearly sixty years, as pastor and, from his election in 1960, as Bishop for the next thirty-two years, the longest tenure of service of any living Bishop in the A.M.E. Zion Church; and

WHEREAS, a native of Baldwin County, Bishop Smith received his B.S. degree from Alabama State University, and pursued further studies at Livingstone College, Hood Theological Seminary, Tuskegee University, Perkins School of Theology, and Southern Methodist University; and

WHEREAS, early in his ministry, Bishop Smith served such Alabama pastorates as St. Thomas in Perdido, Alabama, Zion Star, Atmore, Zion Fountain #2, Brewton, Ebenezer, Montgomery, and Big Zion, Mobile; and

WHEREAS, over the years, in extended service to the ministry, Bishop Smith served conferences both throughout the United States and abroad; he also held numerous positions of leadership in God's service, including positions with the World Methodist Council as Chairman of the Ecumenical Commission, as President of the North American Section, and as a member of the Executive Board, to name but a few; and

WHEREAS, Bishop Smith also gave generously to his community, providing leadership and support to countless organizations including Mobile United, of which he was a founder, United Fund of Mobile, Mayor's Commission on Progress, Board of Trustees of Alabama State University, Mobile Area Chamber of Commerce, West Mobile Kiwanis, the National N.A.A.C.P., and the Mobile County Hospital Board, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Bishop William Milton Smith of Mobile, and extend our heartfelt sympathy to his beloved wife, Ida Mae Anderson Smith; to his daughter, three grandchildren, and two great grandchildren; and to other family members for whom a copy of this resolution of sincere condolence shall be provided.

SUBSTITUTE ADOPTED

And the substitute was adopted.

RESOLUTION ADOPTED

And the resolution:

H.J.R. 9. MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

as amended, was adopted and ordered engrossed.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 9:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (J), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren:

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 53. COMMENDING THE LEMOYNE COMMUNITY ADVISORY PANEL FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE COMMUNITY.

REPORT FILED

The Report of the Sunset Committee was submitted by Representative Box to the Alabama Legislature of 1995, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Representative Dolbare:

H.J.R. 54. DESIGNATING THE BEN RODGERS LEE BRIDGE IN WASHINGTON COUNTY.

The resolution, H.J.R. 54, was read and referred to the Standing Committee on Rules.

Also:

By Representative Millican:

H.J.R. 55. DESIGNATING HIGHWAY 278 IN WINSTON COUNTY AS "LOONEY'S TAVERN PARKWAY."

The resolution, H.J.R. 55, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Newton (D):

H. 288. To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances, to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies; to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.

COMMITTEE ON JUDICIARY

By Representatives Crigler and Sims (With Notice and Proof):

H. 289. Relating to Mobile County; amending Act No. 94-119, H. 236, 1994 Regular Session, which provides a tax exemption for the Mobile Arts and Sport Association and the Greater Gulf State Fair, Inc., and all persons, firms, or corporations that do business with the Greater Gulf State Fair, Inc., on its fairgrounds in Mobile County during its annual fair from the payment of all county and municipal sales and use taxes and licenses, to provide further for the exemption.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 289, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Papucci:

H. 290. To provide for the crime of cruelty to animals and to provide for the crime of intentional extreme cruelty to animals; to provide punishment for the offenses as a misdemeanor and as a felony, respectively; to make certain exceptions in the interest of medical science; to provide for the notice, due process, and civil procedures for cases of cruelty to animals; to provide for search warrants; to provide for the powers and duties of law enforcement officers, district court judges, agents and agencies designated by the county, the county rabies officer, and other persons in implementing this act; to provide standards for humane disposition of the animal or for auction; to provide for the distribution of any proceeds generated under this act; to provide that local governments may provide for more stringent penalties, and procedures for the operation of animal control or humane shelters; and to provide for an effective date.

COMMITTEE ON JUDICIARY

By Representative Dukes:

H. 291. To amend Sections 41-16-50, 41-16-51, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for recycling between municipalities and counties and those providing the service; and to provide that all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Curry:

H. 292. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

COMMITTEE ON BUSINESS AND LABOR

By Representative Boyd:

H. 293. To name the primary education trust fund of the state the "Education Trust Fund" and to provide for a prospective effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representative Vance:

H. 294. To amend Section 13A-11-61 of the Code of Alabama 1975, relating to discharging of firearms; to provide that it would be a crime to discharge a firearm within a certain distance of a residence, and provide for a defense.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 295. To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for the collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 296. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund and making an appropriation from the fund for fiscal years ending September 30, 1995 and September 30, 1996, and providing for a prospective effective date.

COMMITTEE ON HEALTH

By Representative Morrow:

H. 297. To authorize the Department of Corrections to design and install high voltage electrified security fence systems at any proposed medium or maximum security prison facility.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Curry, McMillan, Willis, Seibenhener, Guin, Newton (C), McDaniel, Papucci, Minnifield, and Johnson (E):

H. 298. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Layson and Hamilton:

H. 299. To enact the Alabama Prescribed Burning Act; to provide legislative findings and purposes regarding prescribed burning as a land management tool; to provide for the rule making authority of the Alabama Forestry Commission; to provide certain requirements necessary for the conduct of prescribed burning; and to provide that a property owner conducting a prescribed burn pursuant to the requirements shall not be liable for damage caused by the fire unless negligence is proven.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Hamilton, Laird, Willis, Layson, Hall (A), Papucci, Carter, Collins, Morrow, Flowers, McKee, Hawkins, and Starkey:

H. 300. To exempt the Christian Children Homes, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Hamilton, Laird, Willis, Layson, Hall (A), Papucci, Carter, Newton (C), Collins, Morrow, McKee, Hawkins, and Starkey:

H. 301. To amend Section 40-23-5 of the Code of Alabama 1975, to exempt rescue units from state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Allen (With Notice and Proof):

H. 302. Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session, as amended, providing for the expense allowance and salary of the Sheriff of Tuscaloosa County.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 302, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Penry and McMillan:

H. 303. To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; and to provide for civil enforcement of the regulations, including civil penalties for violations.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Clark (J) (With Notice and Proof):

H. 304. Relating to Barbour County and the office of the judge of probate; to provide a special recording or issuance fee in addition to all existing fees and charges for documents filed for record and each motor vehicle certificate of title issued in the county; and to provide for the use of the fees for the payment of general office expenses by the judge of probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 304, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Box:

H. 305. To amend Section 11-49-80, Code of Alabama 1975, to further provide that a municipality may assume authority to control, manage, supervise, regulate, repair, maintain, and improve public streets in newly annexed areas.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Jorgensen, Parker (T), McDaniel, Hinshaw, Millican, Carter, Gaston, Penry, Burke, Hooper, Papucci, Dolbare, Clark (J), Curry, Gaines, Haney, Robinson, Hall (A), and Knight (A):

H. 306. To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

COMMITTEE ON WAYS AND MEANS

By Representatives Morton, Petelos, and Carns:

H. 307. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class 1 or Class 2 municipality for the retail sale of

any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine, or liquor of any kind or variety, without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the circuit court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval and for the assessment of attorney fees.

COMMITTEE ON STATE ADMINISTRATION

By Representative Fuller:

H. 308. To provide for the "Alabama Science in Motion Act of 1995"; to make legislative findings and statements of legislative intent; to assign responsibilities to the State Board of Education and to the State Superintendent of Education for its implementation; to make an appropriation of \$1,492,000 from the Alabama Special Educational Trust Fund to the Education Technology Fund for 1994-95 and 1995-96 fiscal years; and to appropriate any unencumbered funds remaining from the appropriation made in Act No. 94-673 and remaining from this Act after the required expenditures are made.

COMMITTEE ON WAYS AND MEANS

By Representatives Turner and Allen:

H. 309. To amend Section 40-20-4, Code of Alabama 1975, relating to oil and gas production and severance tax, to repeal the rulemaking authority of the Department of Revenue.

COMMITTEE ON OIL AND GAS

By Representatives Crigler, McMillan, Hawkins, Moore, Sanderson, Sims, Jorgensen, Papucci, Seibenhener, Wren, Carns, Knight (A), Thomas (D), Penry, McKee, Hooper, Dean, Townsend, Morton, Haney, Clouse, Pringle, and Allen:

H. 310. To provide that a certificate of analysis prepared by certain persons could be submitted, and recorded in evidence in lieu of the testimony of the person at a hearing in criminal proceedings and in certain civil proceedings, provide for the contents of the certificate of analysis, provide the procedure for the submission of the certificate of analysis, and provide for exceptions.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Sims, McMillan, Hawkins, Morton, Crigler, Dean, Haney, Jorgensen, Papucci, Seibenhener, Wren, Moore, Hooper, Townsend, and Allen:

H. 311. To create the District Attorney Employee Budget Fund in the State Treasury for the deposit of state appropriations paid to the district attorneys and to provide a formula for the allocation of state funds from the District Attorney Employee Budget Fund.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McKee, Crigler, Dean, Morton, Sanderson, Curry, Sims, Haney, Jorgensen, Papucci, Wren, Gaines, Carns, Moore, Hooper, Hawkins, Townsend, Clouse, Seibenhener, and Pringle:

H. 312. To amend Section 12-11-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit court, and Section 12-12-32 of the Code of Alabama 1975, relating to the criminal jurisdiction of the district court; and Section 12-12-70 of the Code of Alabama 1975, relating to the right of appeal, to provide that the district court would be allowed to try felony cases which are not punishable by death to provide that the acceptance of a guilty plea by a district court would be subject to the approval of the circuit court in the judicial circuit where the plea was accepted, and to further provide that in cases where the district court exercises concurrent jurisdiction the appeal would be to the appropriate appellate court.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Dean, Morton, McMillan, Hawkins, Crigler, Sanderson, Curry, Haney, Sims, Jorgensen, Papucci, Seibenhener, Wren, Gaines, Carns, Knight (A), Thomas (D), Penry, McKee, Hooper, Turner, Townsend, Clouse, Moore, Pringle, and Gaston:

H. 313. To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Allen, McMillan, Hawkins, Crigler, Jorgensen, Papucci, Seibenhener, Carns, Knight (A), Thomas (D), Penry, McKee, Hooper, Dean, Morton, Townsend, Haney, Clouse, Wren, and Turner:

H. 314. To provide that physical evidence would not be precluded from a jury or court because of a break in the chain of custody.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hall (L):

H. 315. To amend Sections 16-49-20 and 16-49-26 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University Board of

Trustees; to provide further for the membership; to redefine the time, frequency, and manner of convening of the board; and to provide for the replacement of members of the board.

COMMITTEE ON EDUCATION

By Representative Hawk:

H. 316. Proposing an amendment to the Constitution of Alabama of 1901, providing for the award of punitive damages.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representatives Dolbare, Knight (J), Holmes, McClammy, Smith, and Graham:

H. 317. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, pertaining to written policies for teachers so as to further provide for written policies and input by education support personnel as well as teachers.

COMMITTEE ON EDUCATION

By Representatives Johnson (R), Payne, Dean, Jorgensen, Crigler, Hamilton, Millican, Laird, Carns, McKee, Sims, Vance, Penry, Guin, Wren, Thomas (D), Hogan, Willis, Venable, Fuller, Morrow, Smith, Knight (A), Gaines, Carothers, Flowers, Layson, Sanderson, Moore, Dolbare, and Hill:

H. 318. To require hospitals to submit monthly reports to the State of Alabama Department of Public Health giving the number of patients admitted to such hospital for complications resulting from an attempted abortion or an abortion, the nature of the complication by its diagnostic name and the type of abortion; to require the reporting of the name of the facility where the attempted abortion or abortion was performed that resulted in the complication, if such facility is an abortion or reproductive health center as defined by regulations of the Department of Public Health; to require the Department of Public Health to prepare necessary forms and to implement the bill's enforcement.

COMMITTEE ON HEALTH

By Representative McMillan:

H. 319. To provide restrictions on the collection, maintenance, and dissemination of personal information; and to provide civil liability and criminal penalties for violations.

COMMITTEE ON JUDICIARY

By Representative Hill:

H. 320. Relating to trusts, providing further for the powers of trustees.

COMMITTEE ON BANKING

By Representative Carothers:

H. 321. To provide for the separate regulation of the planning, installation, inspection, repairing, or testing of fire detection, fire alarm, or fire communication systems and for burglary and similar alarms; to provide for definitions of certain terms; to provide for violations and penalties; to provide for the duties and responsibilities of the State Fire Marshal; to provide for fees; to provide for the implementation of rules and regulations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McDaniel, Knight (A), Dukes, Dolbare, Hooper, McMillan, Dean, Turner, Box, Jackson, Morrison, Gipson, Newton (C), Turnham, McKee, Haney, Curry, Papucci, Galliher, Rogers (M), Carns, Hinshaw, Petelos, Morton, Carter, Burke, Sanderson, Willis, Sims, Guin, Hogan, Vance, Penry, Fuller, Hammett, Hill, Venable, Lindsey, Flowers, and Laird:

H. 322. To remove the termination date for certain assessments against wages made pursuant to employment security programs of the Department of Industrial Relations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Lindsey, Letson, Burke, Carter, Hamilton, Layson, Carothers, Johnson (R), and Morrison:

H. 323. To provide distinctive motor vehicle license tags or plates to honor cotton producers; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Lindsey, Burke, Carter, and McDaniel:

H. 324. To amend Section 40-23-4 of the Code of Alabama 1975, to provide further for certain sales tax exemptions.

COMMITTEE ON WAYS AND MEANS

By Representatives Hill, Ford, Morrison, McKee, Wren, Page, Morrow, Seibenhener, Baker, Knight (A), Moore, Hammett, Gaines, Clark (J), Letson, Carter, Gipson, Venable, McDaniel, Sanderson, Knight (J), Hall (A), Hinshaw, Gaston, Lindsey, Flowers, Newton (D), Curry, Holmes, Guin, Buskey, Maull, Burke, Johnson (E), Rogers (J), Hawkins, Carns, Townsend, Clouse, Allen, Haney, Minnifield, Petelos, Thomas (D), Morton, Graham, Galliher, Jorgensen, Smith, Murphree, Spratt, Hooper, Newton (C), Starkey, Rogers (M), Millican, Fuller, and Dean:

H. 325. Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; to amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

By Representatives Laird, Millican, Johnson (R), Seibenhener, Moore, Thomas (D), Wren, McKee, Vance, Guin, Turnham, Crigler, Jackson, Dean, Dolbare, Sims, Willis, Hogan, McMillan, Penry, Fuller, Galliher, Allen, Flowers, Layson, Sanderson, Hamilton, Carter, Carns, Robinson, Hooper, Johnson (E), Burke, Letson, Murphree, Papucci, Dukes, Hall (A), Smith, Graham, Gipson, Knight (A), Hill, Rogers (M), Gaines, Curry, Morton, McDaniel, and Turner:

H. 326. To provide for mandatory professional liability insurance or approved self insurance for all abortion or reproductive health centers as defined by state law, their employees, and for physicians providing services there; to require the obtaining of professional liability insurance by abortion or reproductive health centers in order to obtain a license to operate, renewal of a license, or for continued operation; to require the Department of Public Health to define and implement the requirements of the act.

COMMITTEE ON INSURANCE

By Representatives Petelos, Rogers (M), and McDaniel:

H. 327. To amend Section 13A-10-37 of the Code of Alabama 1975, relating to the crime of promoting prison contraband in the second degree; to make the possession or promoting of any currency or coin not authorized by the written policies of the Department of Corrections within any correctional detention center or facility unlawful and punishable as a Class C felony under the contraband prohibition; to authorize the Department of Corrections to confiscate and liquidate any currency or coin contraband found on or in the possession of any inmate of the Department of Corrections; to require the department to provide notice relative to the policies on confiscating and liquidating currency or coin contraband to any inmate entering the prison system during processing; to provide that the net proceeds from the currency or coin contraband confiscated or liquidated shall be deposited in the operating fund for the department; and to provide for supplemental effect.

COMMITTEE ON JUDICIARY

By Representative Burke:

H. 328. To amend Section 12-13-20, Code of Alabama 1975, to provide further for compensation for probate judges and provide effective dates.

COMMITTEE ON WAYS AND MEANS

By Representative Hill:

H. 329. To provide that consumer credit reporting agencies shall, upon written request, provide a credit report, free of charge, to the person who is the subject of the credit report.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Carns, Hill, Lindsey, Sanderson, Moore, Seibenhener, Layson, and Allen:

H. 330. To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hill:

H. 331. To amend Sections 6-6-480 and 6-6-482, Code of Alabama 1975, to provide for garnishment of the salary of a public officer or employee.

COMMITTEE ON JUDICIARY

By Representative Hooper:

H. 332. To amend Section 13A-11-75, Code of Alabama 1975, relating to the issuance of pistol permits by the sheriff of the county; to provide further for the application forms, duplicated licenses, and the amount of issuance fees; and to authorize the sheriff to perform all acts necessary to comply with federal firearm statutes and regulations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Carns, Sanderson, Wren, Townsend, Petelos, McKee, Payne, Johnson (R), Curry, Hawkins, Gaines, Knight (A), McDaniel, Morton, Smith, Thomas (D), Letson, Murphree, Papucci, Jorgensen, Dolbare, Laird, Carter, Hamilton, Hooper, Penry, Sims, Turner, Fuller, Millican, Dean, Guin, Hogan, Willis, Moore, Clouse, Seibenhener, Layson, Collins, Carothers, Allen, and Hill:

H. 333. Prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

COMMITTEE ON HEALTH

By Representative Hooper:

H. 334. To create the Joint Legislative Committee on Federal Mandates Act

to protect state sovereignty from federal encroachment by making the Alabama Congressional Delegation cognizant of the effect the actions of the federal government have at the state legislative level and to provide for an annual review of federal activity.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 335. To create the position of Mandate Auditor; to provide for the duties of the Mandate Auditor; and to provide for definitions.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 336. To designate the Alabama Independent School Association as the official in-state accrediting agency for schools that are members of its association.

COMMITTEE ON EDUCATION

By Representative Hooper:

H. 337. To reopen the Employees' Retirement System to allow an active and contributing member to purchase credit in the system for prior service rendered to a local mental health authority and to provide for payment of the costs of purchasing the service credit.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper, Jorgensen, Crigler, Hamilton, and Hawkins:

H. 338. To amend Sections 22-8-4, 22-8-6, and 22-8-9 of the Code of Alabama 1975, to remove the right of a minor to give effective consent for medical procedures; to provide that the parent or legal guardian of a minor may access medical, dental, health, or mental health records of the minor in certain situations.

COMMITTEE ON HEALTH

By Representative Hooper:

H. 339. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the State Economic Opportunity Office.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 340. To amend Section 41-15-4 of the Code of Alabama 1975, to allow the State Insurance Fund to arrange for the salvage and sale of property and fixtures for which it has paid the insured value after a loss.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 341. To further provide for the required curriculum for high school graduation to add courses of study in the Declaration of Independence, the United States Constitution, and the Federalist Papers; to provide for faculty training; to require the State Department of Education to administer this act and to adopt rules and regulations to enforce the purposes of this act, subject to the Alabama Administrative Procedure Act; to report the effectiveness annually to the Governor and to the Legislature; and to provide for faculty instruction on teaching these required subjects.

COMMITTEE ON EDUCATION

By Representative Hooper:

H. 342. To make an appropriation from the General Fund in the State Treasury to the Alabama Department of Economic and Community Affairs, the sum of 1.5 million dollars for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives Sanderson, McKee, Hawkins, Johnson (R), Payne, Dean, Jorgensen, Crigler, Hamilton, Petelos, Carns, Townsend, Millican, Hooper, McDaniel, Laird, Fuller, Hinshaw, Thomas (D), Layson, Collins, Carothers, Clouse, Moore, Allen, Murphree, McMillan, Wren, and Knight (A):

H. 343. To amend Section 26-21-1, et sequel, Code of Alabama 1975, the Parental Consent to Abortion Act, by repealing Section 26-21-3(b), the requiring of a certified mail notice to the mother of a minor who was caused to be pregnant as a result of sexual intercourse with a father or legal guardian; to amend subsection (c) by repealing the minor's verification; to require a parent's or legal guardian's or adoptive parent's signature to a consent form to be signed in the presence of the abortion provider or agent and to be accompanied with specific identification and evidence, and to provide for certain alternative identification and evidence requirements; to amend subsection (d) to require certain documents proving a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person coercing a minor to have an abortion performed; to provide that the State of Alabama, Department of Public Health, develop appropriate forms for the consent and emancipation requirements of Section 26-21-3; to provide a civil cause of action for the violation of the provisions of the Act.

COMMITTEE ON HEALTH

By Representative Laird:

H. 344. To amend Sections 25-4-4, 25-4-16, 25-4-54, 25-4-78, 25-4-95, 25-4-120, 25-4-133, and 25-4-134, Code of Alabama 1975, to provide further for the fiscal year, the definition of wages, penalties on certain delinquent employers, disqualifications for unemployment compensation benefits, filing for judicial review of decisions by boards of appeal, offsets to recover overpayment, penalties on employers delinquent in filing certain reports, and limitations on certain actions and to provide for certain retroactive effect.

COMMITTEE ON INSURANCE

By Representative Laird:

H. 345. To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama 1975, relating to retirement benefits of teachers and state employees; to remove the reduction for members of the Teachers' and Employees' Retirement Systems retiring on disability on or after October 1, 1995; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Graham:

H. 346. To promote the training of primary care physicians in state medical schools; and to provide funding to medical schools on the basis of the number of primary care physicians they produce.

COMMITTEE ON HEALTH

By Representative Hill:

H. 347. Relating to financial institutions, to provide that compliance review documents, files, and records arising out of matters evaluated by a compliance review committee are confidential and are not discoverable or admissible into evidence in any civil or administrative action or proceeding.

COMMITTEE ON BANKING

By Representatives Rogers (J), Perdue, Hawkins, Payne, Hill, Sanderson, McAdory, Houston, Johnson (E), Carns, Petelos, Minnifield, Morton, Curry, Spratt, and Hilliard:

H. 348. To make an appropriation from the Alabama Special Educational Trust Fund in the sum of \$225,000 for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative McKee:

H. 349. Relating to material or fraudulent misrepresentations, omissions, concealment of facts, and incorrect statements in insurance transactions so as to further define fraudulent or material misrepresentations in insurance transactions and immunity from liability with respect to certain insurance transactions; to provide further for attorney fees and costs; and to provide that this act be construed together with any law related to material or fraudulent misrepresentations, omissions, concealment of facts, and incorrect statements in insurance transactions, and immunity.

COMMITTEE ON INSURANCE

By Representatives McDaniel, Morrison, Sanderford, Lindsey, and Letson:

H. 350. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

COMMITTEE ON WAYS AND MEANS

By Representatives Baker, Carothers, Clouse, and Seibenhener:

H. 351. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Houston County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Jorgensen, Papucci, Hinshaw, Hall (L), and Dean:

H. 352. To exempt the American Bowling Congress from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Baker, Seibenhener, Minnifield, Knight (J), Johnson (E), Carothers, Thomas (J), Buskey, Dolbare, Maull, Boyd, Mitchell, and Hall (L):

H. 353. To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from establishing a classification with the title of security guard.

COMMITTEE ON STATE ADMINISTRATION

RESOLUTION

The following resolution was introduced:

By Representative Hooper:

H.J.R. 56. COMMENDING THE SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION.

The resolution, H.J.R. 56, was read and referred to the Standing Committee on Rules.

H. 89 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 89, from the Standing Committee on State Administration to the Standing Committee on Commerce, Transportation and Utility.

ELECTION OF MEMBERS TO EXAMINERS OF PUBLIC ACCOUNTS

The House elected Representatives Rogers (J), McKee, Letson, Morrison and Morrow as members of the Examiners of Public Accounts.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Freeman:

S.J.R. 29. REQUESTING AND STRONGLY RECOMMENDING THE ALABAMA BUILDING RENOVATION FINANCE AUTHORITY TO PROVIDE PERMANENT SECURITY FOR ALL EXTERIOR ENTRANCES AND ACCESSES OF THE ALABAMA STATE HOUSE BUILDING.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Building Renovation Finance Authority is requested and strongly recommended to provide permanent security at each exterior entrance and access to the Alabama State House Building in order to ensure the safety, health, and security of those persons located within the State House, and the security of the property, facilities, and equipment of the State House.

RESOLVED FURTHER, That a copy of this resolution be sent to the Governor, Finance Director, and the State Treasurer, the board of directors of the authority.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 29, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Lipscomb, Smith, Hale, Amari, Freeman, Clay, Mitchem, Figures, Adams, Davidson, Mitchell, Ghee, Little, Windom, Waggoner, Armistead, Bailey, Hill, Butler, Dial, Bedford, Smitherman, Myers, Poole, Barron, Biddle, Denton, Dixon, Escott-Russell, Langford, Lindsey, McClain, Roberts, Sanders, and Steele:

S.J.R. 28. PROVIDING FOR A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 4, 1995, TO OBSERVE THE 1995 NATIONAL DAY OF PRAYER.

WHEREAS, prayer is the mainspring of the American spirit, a fundamental tenet of our people since before the Republic was founded; a year before the Declaration of Independence in 1775, the Continental Congress proclaimed the first National Day of Prayer as the initial positive action they asked of every colonist; and

WHEREAS, more than two hundred years ago in 1783, the Treaty of Paris officially ended the long, weary Revolutionary War during which a National Day of Prayer had been proclaimed every spring for eight years; when peace came, the National Day of Prayer was forgotten; for almost half a century, as the Nation grew in power and wealth, we put aside this deepest expression of American belief--our national dependence on the Providence of God; and

WHEREAS, it took the tragedy of the Civil War to restore a National Day of Prayer; as Abraham Lincoln said, "Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us"; and

WHEREAS, revived as an annual observance by Congress in 1952, the National Day of Prayer has become a great unifying force for our citizens who come from all the great religions of the world; prayer unites people; this common expression of reverence heals and brings us together as a Nation and we pray it may one day bring renewed respect for God to all the people of the world; and

WHEREAS, from General Washington's struggle at Valley Forge to the present, this Nation has fervently sought and received divine guidance as it pursued the course of history; this occasion provides our Nation with an opportunity to further recognize the source of our blessings, and to seek His help for the challenges we face today and in the future; and

WHEREAS, Thursday, May 4, is the 1995 National Day of Prayer, which will be observed by citizens gathering for prayer at our churches, city halls, and state capitols throughout Alabama and the Nation at 12:00 noon local time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That both houses of the Legislature shall recess on Thursday, May 4, 1995, from 12:00 noon until 1:30 p.m. in support of the National Day of Prayer. Prayer will be offered on the steps of the Capitol from noon until 1:00 p.m.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor James, President Pro Tem Figures, and Speaker Clark, that they may know of our feelings and desires concerning this matter.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 28, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Davidson:

S.J.R. 31. DENOUNCING THE RECENT ACT OF TERRORISM IN OKLAHOMA CITY, OKLAHOMA.

Also:

By Senator Little:

S.J.R. 32. COMMENDING THE LEE-SCOTT ACADEMY FOOTBALL TEAM OF AUBURN, ALABAMA, AS THE 1994 STATE CLASS 3A CHAMPIONS.

Also:

By Senators Waggoner, Biddle, and Amari:

S.J.R. 33. HONORING THE CHIROPRACTIC PROFESSION ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 31, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 32, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 33, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 34. HONORING JACK L. WALTON FOR OUTSTANDING SERVICE.

Also:

By Senator Barron:

S.J.R. 35. NAMING THE LYCEUM BUILDING AT NORTHEAST ALABAMA STATE COMMUNITY COLLEGE, "THE TOM BEVILL LYCEUM BUILDING."

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 34, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 35, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Baker:

H.R. 57. RECOGNIZING WEST POINT STEVENS PLANT IN ABBEVILLE FOR ITS OUTSTANDING SAFETY RECORD.

Also:

By Representative Hill:

H.R. 58. RECOGNIZING ALABAMA BANKERS FOR OUTSTANDING CONTRIBUTIONS TO THE ALABAMA COMMUNITY.

Also:

By Representative Box:

H.R. 59. COMMENDING THE DIRECTOR, CAST, AND CREW OF "TERROR IN THE SUBURBS."

Also:

By Representative Box:

H.R. 60. HONORING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADERS FOR DISTINGUISHED ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Representative Box:

H.J.R. 61. COMMENDING THE DIRECTOR, CAST, AND CREW OF "TERROR IN THE SUBURBS."

The resolution, H.J.R. 61, was read and referred to the Standing Committee on Rules.

Also:

By Representative Box:

H.J.R. 62. HONORING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADERS FOR DISTINGUISHED ACHIEVEMENT.

The resolution, H.J.R. 62, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morton:

H.J.R. 63. HONORING MR. KENNETH ALLEN CLEMONS ON HIS RETIREMENT.

The resolution, H.J.R. 63, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Buskey, Kennedy and Mitchell:

H.J.R. 64. MOURNING THE DEATH OF GEORGE THOMAS JONES, SR., OF MOBILE, ALABAMA.

The resolution, H.J.R. 64, was read and referred to the Standing Committee on Rules.

Also:

By Representative Venable:

H.J.R. 65. DESIGNATING A PORTION OF U.S. 231 IN ELMORE COUNTY, AS THE "VETERANS MEMORIAL BOULEVARD."

The resolution, H.J.R. 65, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hooper:

H.J.R. 66. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

The resolution, H.J.R. 66, was read and referred to the Standing Committee on Rules.

Also:

By Representative Wren:

H.J.R. 67. URGING CONGRESS TO ENACT LEGISLATION PERMITTING LOCAL SCHOOL SYSTEMS TO FORMULATE DISTRICTS THAT UTILIZE NEIGHBORHOOD SCHOOLS.

The resolution, H.J.R. 67, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

Representatives Sims, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 68. DENOUNCING THE RECENT ACT OF TERRORISM IN OKLAHOMA CITY, OKLAHOMA.

REPORT FILED

The Report of the Judicial Compensation Commission was submitted by the Chairman, Charles R. Adair, Jr., to the Alabama Legislature of 1995, and the report was ordered filed.

ELECTION OF MEMBERS TO SUNSET COMMITTEE

The House elected Representatives Mitchell, Sanderford and Millican as members of the Sunset Committee.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives White, Turner, Warren, Page, Knight (A), Penry and Carter:

H.R. 69. EXPRESSING HEARTFELT APPRECIATION TO JACK AND BECKI NEAL.

ADJOURNMENT

On motion of Representative Hammett, the House adjourned until 1:00 o'clock p.m., Wednesday, May 3, 1995.

THIRD DAY

**House of Representatives
Montgomery, Alabama
Wednesday, May 3, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend G. R. "Bud" Brainerd, Memorial Presbyterian Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Courtney Newton, Senior, Altamont School, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with.

NOTICE IN WRITING FILED

Representative Ford filed the following Notice in Writing:

Notice is hereby given that the house rules be amended as follows:

Rule 25. The previous question shall be in the following form, and shall be in writing: "I move the previous question."

If demanded by a majority vote of the members present and voting, its effect shall be to cut off all debate and bring the House to a direct vote, first upon the pending substitutes and/or amendments, if there be any, in their order, and then on the main question.

If the call of the previous question is sustained, the opponents of the bill or resolution shall have the right to speak for not more than a cumulative total of ten minutes before the member having charge of the bill or resolution shall close the debate.

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.J.R. 70. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, May 4, 1995, they adjourn to meet again on Tuesday, May 9, 1995, and when they adjourn on Tuesday they adjourn to meet again on Thursday, May 11, 1995, and when they adjourn on Thursday they adjourn to meet again on Tuesday May 16,

1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, May 17, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, May 18, 1995.

MOTION TO SUSPEND RULES ADOPTED

The motion offered by Representative Hammett to suspend the rules in order to bring up for immediate consideration the foregoing resolution, H.J.R. 70, was adopted.

RESOLUTION ADOPTED

On motion of Representative Hammett, the resolution, H.J.R. 70, was adopted.

H. 109 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 109, from the Standing Committee on Local Legislation No. 1 to the Standing Committee on Local Legislation No. 7.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed resolution with the original resolution and finds same correctly engrossed, to-wit:

H.J.R. 9. MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

TOMMY CARTER
Chairman

And the resolution, H.J.R. 9, as engrossed, was ordered sent to the Senate.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 151. To authorize a retiree receiving a retirement allowance or optional benefit from the Employees' Retirement System of Alabama (ERS) to accept employment for compensation with the state, a county, an incorporated municipality, or a state, county, or municipal department or agency without having his or her retirement allowance or optional benefit suspended during the period of employment under certain conditions; to authorize a retiree receiving a retirement allowance or optional benefit from ERS who is elected by the public or appointed to serve for compensation in a public office with the state, a county, or an incorporated municipality, which is an office not covered by ERS, to serve in the public office without having to suspend his or her retirement allowance or optional benefit; to authorize any retiree receiving a retirement allowance or optional benefit from ERS who, in order to continue receiving the retirement allowance or optional benefit, waived his or her salary as an elected or appointed official pursuant to the provisions of Section 36-6-10, Code of Alabama 1975, on or after October 24, 1994, and continued service in the elective or appointive office without compensation, to apply for and be reimbursed the total amount of the waived compensation and to have his or her salary restored to its level prior to the waiver; and to authorize any retiree receiving a retirement allowance or optional benefit from ERS who, in order to continue receiving compensation for services as an elected or appointed official of the state, a county, or an incorporated municipality, suspended his or her retirement allowance or optional benefit on or after October 24, 1994, to apply for and be reimbursed the total amount of the suspended retirement allowance or optional benefit.

H. 42. To amend Section 4 of Act 93-133, H. 285, 1993 Regular Session, to remove the expiration date of the increase in fees provided in Act 92-227, H. 605, 1992 Regular Session.

H. 137. To amend Section 32-6-250, Code of Alabama 1975, relating to distinctive license plates, by authorizing the issuance of distinctive license plates to residents of this state who as a United States civilian during any armed conflict was held as a prisoner of war by forces hostile to the United States during any armed conflict.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 11. (With Amendments): To amend Section 40-12-290 of the Code of Alabama 1975, relating to the issuance of antique vehicle license plates or tags by the Commissioner of Revenue, to provide for the issuance of permanent antique vehicle license plates by the judge of probate of each county, to increase the fee for license plates or tags, to provide for definitions, and to specify the size and description of the license plates; to provide for penalties for certain uses of antique vehicles; and to specifically repeal Sections 40-12-291 and 40-12-295 of the Code of Alabama 1975.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 345. (With Amendment): To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama 1975, relating to retirement benefits of teachers and state employees; to remove the reduction for members of the Teachers' and Employees' Retirement Systems retiring on disability on or after October 1, 1995; and to provide for an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 181. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

H. 350. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 208. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain retirement benefits within a spousal estate when the court determines an allowance upon the grant of a divorce if certain conditions are met.

H. 180. Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

H. 218. Setting forth the Alabama Unincorporated Nonprofit Association Act, providing for the governance, powers, duties, liability in tort and contract, capacity, and standing of a nonprofit association and its members and officers; providing for the effect of a judgment or order, claims for relief, transitions con-

cerning real property, venue, service of process of a nonprofit association, and disposition of property of an inactive or dissolved association; specifying certain laws not repealed; and providing a prospective effective date.

H. 168. To provide for a waiting period prior to the issuance of a final judgment of divorce; to provide for temporary orders prior to the expiration of the waiting period; and to provide a prospective effective date.

H. 154. To provide that the court may award joint custody to both parents if it is in the best interest of the child; to provide definitions; to provide considerations for the court in making a determination; to enumerate factors for consideration; to authorize the court to order the parents to submit a plan for consideration by the court; to provide access by both parents to certain records concerning the child; and to provide a prospective effective date.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 60. (With Substitute): To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 49. To amend Section 40-12-176, Code of Alabama 1975, to provide that a violation of this section shall constitute a Class A misdemeanor; to repeal the requirement that tobacco product vending machines have a transparent front window or windows; to require that the machine owner's telephone number be displayed along with the owner's name and street address; and to clarify certain language.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 194. To require successful candidates for justice and judge of the appellate courts and circuit and district courts to file certain disclosure statements of contributions received and to prescribe penalties for failure to file the statements.

H. 195. Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 9. (With Substitute): To amend Section 33-1-1 of the Code of Alabama 1975, relating to the Alabama State Docks Department, to provide that public funds shall not be expended for entertainment purposes if the entertainment involves immoral activities.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 285. To amend Section 9-8A-3, Code of Alabama 1975, relating to the appointment of members to the Alabama Agricultural and Conservation Development Commission; to provide for the appointment of designees by members; and to provide for the replacement of a designee who is absent from three or more consecutive meetings without cause.

H. 322. To remove the termination date for certain assessments against wages made pursuant to employment security programs of the Department of Industrial Relations.

H. 332. To amend Section 13A-11-75, Code of Alabama 1975, relating to the issuance of pistol permits by the sheriff of the county; to provide further for the application forms, duplicated licenses, and the amount of issuance fees; and to authorize the sheriff to perform all acts necessary to comply with federal firearm statutes and regulations.

H. 340. To amend Section 41-15-4 of the Code of Alabama 1975, to allow the State Insurance Fund to arrange for the salvage and sale of property and fixtures for which it has paid the insured value after a loss.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 293. (With Amendment): To name the primary education trust fund of the state the "Education Trust Fund" and to provide for a prospective effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy with certain modifications; to amend Sections 34-39-3, 34-39-5, 34-39-7, 34-39-8, and 34-39-10, Code of Alabama 1975, so as to provide for the referral by any licensed physician or dentist; to remove those provisions permitting certain short-term unlicensed practice in the state; to provide for the registration of occupational therapy practitioners; and to provide further for license requirements.

H. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects with certain modifications; to amend Section 34-2-33, Code of Alabama 1975, so as to provide further for the examination fee and to provide for reinstatement of a lapsed license.

H. 132. To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety.

H. 150. To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

H. 160. To amend Section 41-16-52 of the Code of Alabama 1975, to increase the amount of certain expenditures for repair, repair parts, or lease of heavy duty off-highway construction equipment and all vehicles with a gross vehicle weight rating of 25,000 pounds or greater that may be made without the requirement of competitive bids being taken.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 189. (With Substitute) (With Amendment): Proposing an amendment to the Constitution of Alabama of 1901, to phase-out the current supernumerary program for county officials.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 112. (With Amendments): Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors with certain modifications; to amend Sections 34-11-4, 34-11-30, 34-11-31, and 34-11-36, Code of Alabama 1975, so as to provide further for reciprocity; to provide further for board membership qualifications; and to eliminate the requirement that excess appropriated funds transfer to the State General Fund at the end of the fiscal year.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 113. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects with certain modifications; to amend Sections 34-17-4, 34-17-21, 34-17-25, and 34-17-26, Code of Alabama 1975, so as to provide further for the use of the title "landscape architect" in a corporate or partnership name; to provide further for the submission of applications and the qualifications of applicants; to discontinue the issuance of temporary certificates; and to provide for reciprocity with other countries.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 114. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 116. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 117. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Section 34-25-5, Code of Alabama 1975, so as to provide compensation for advisory consultants.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 121. To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

H. 68. Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education, and supervision.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 325. (With Substitute): Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the

banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; to amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 347. Relating to financial institutions, to provide that compliance review documents, files, and records arising out of matters evaluated by a compliance review committee are confidential and are not discoverable or admissible into evidence in any civil or administrative action or proceeding.

H. 110. Relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code; to repeal the current Article 3 and provide for a new Article 3 regarding Negotiable Instruments and to provide for all of the following: short title, subject matter, definitions, negotiable instrument, issue of instrument, unconditional promise or order, instrument payable in foreign money, payable on demand or at definite time, payable to bearer or to order, identification of person to whom instrument is payable, place of payment, interest, date of instrument, contradictory terms of instrument, incomplete instrument, joint and several liability and contribution, other agreements affecting instrument, statute of limitations, notice of right to defend action, negotiation, negotiation subject to rescission, transfer of instrument and rights acquired by transfer, indorsement, special indorsement, blank indorsement, anomalous indorsement, restrictive indorsement, reacquisition, person entitled to enforce instrument, holder in due course, value and consideration, overdue instrument, defenses and claims in recoupment, claims to an instrument, notice of breach of fiduciary duty, proof of signatures and status as holder in due course, enforcement of lost, destroyed, or stolen instrument, effect of instrument on obligation for which taken, accord and satisfaction by use of instrument, lost, destroyed, or stolen cashier's check, teller's check, or certified

check, signature, signature by representative, unauthorized signature, imposters and fictitious payees, employer's responsibility for fraudulent indorsement by employee, negligence contributing to forged signature or alteration of instrument, alteration, drawee's liability on unaccepted draft, acceptance of draft and certified check, acceptance varying draft, refusal to pay cashier's checks, teller's checks, and certified checks, obligation of issuer of note or cashier's check, obligation of acceptor, obligation of drawer, obligation of indorser, transfer warranties, presentment warranties, payment or acceptance by mistake, instruments signed for accommodation, conversion of instrument, presentment, dishonor, notice of dishonor, excused presentment and notice of dishonor, evidence of dishonor, discharge and effect of discharge, payment, tender of payment, discharge by cancellation or renunciation, discharge of indorsers and accommodation parties; also relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code, to repeal the current Article 4 and provide for a new Article 4 regarding Bank Deposits and Collections and to provide for all of the following: short title, applicability, variation by agreement, measure of damages, action constituting ordinary care, definitions and index of definitions, bank, depository bank, payor bank, intermediary bank, collecting bank, presenting bank, payable through or payable at bank, collecting bank, separate office of bank, time of receipt of items, delays, electronic presentment, statute of limitations, status of collecting bank as agent and provisional status of credits, applicability of article, item indorsed pay any bank, responsibility for collection or return, when action timely, effect of instructions, methods of sending and presenting, sending directly to payor bank, depository bank holder of unindorsed item, transfer between banks, transfer warranties, presentment warranties, encoding and retention warranties, security interest of collecting bank in items, accompanying documents and proceeds, when bank gives value for purposes of holder in due course, presentment by notice of item not payable by, through, or at bank, liability of drawer or indorser, medium and time of settlement by bank, right of charge-back or refund, liability of collecting bank, return of item, final payment of item by payor bank, when provisional debits and credits become final, when certain credits become available for withdrawal, insolvency and preference, deferred posting, recovery of payment by return of items, time of dishonor, return of items by payor bank, payor bank's responsibility for late return of item, when items subject to notice, stop-payment order, legal process, setoff, order in which items may be charged or certified, when bank may charge customer's account, bank's liability to customer for wrongful dishonor, time of determining insufficiency of account, customer's right to stop payment, burden of proof of loss, bank not obliged to pay check more than six months old, death or incompetence of customer, customer's duty to discover and report unauthorized signature or alteration, payor bank's right to subrogation on improper payment, handling of documentary drafts, duty to send for presentment and to notify customer of dishonor, presentment of on arrival drafts, responsibility of presenting bank for documents and goods, report of reasons for dishonor, referee in case of need, privilege of presenting bank to deal with goods, and security interest for expenses; to repeal Section 5-5A-34 of the Code of Alabama 1975, regarding payment of postdated checks; to amend Section 5-19-5 of the Code of Alabama 1975, relating to the acceptance of certain negotiable instruments as evidence of consumer debt to alter the types of instruments that may be accepted; to amend

Section 6-2-2 of the Code of Alabama 1975, regarding the applicability of the chapter concerning limitations of actions to specify the chapter shall not apply to certain negotiable instruments; to amend Section 7-1-201 of the Code of Alabama 1975, relating to certain defined terms under the Uniform Commercial Code to define holder, money, unauthorized signature, and value; to amend Section 7-1-207 of the Code of Alabama 1975, regarding performance or acceptance under reservation of rights to specify the section does not apply to an accord and satisfaction; to amend Section 7-2-103 of the Code of Alabama 1975, to conform the internal citation of the term dishonor to this act; to amend Section 7-2-511 of the Code of Alabama 1975, to conform an internal citation regarding the effect of an instrument on an obligation to this act; to amend Section 7-5-103 of the Code of Alabama 1975, relating to definitions regarding letters of credit to conform an internal citation concerning the term accept or acceptance to this act; to amend Section 7-9-105 of the Code of Alabama 1975, relating to certain definitions concerning security interests to conform an internal citation to this act; to amend Section 7-9-203 of the Code of Alabama 1975, relating to attachment and enforceability of a security interest to conform an internal citation to this act and to specify application to a security interest arising under the article on leases; to amend Section 7-9-206 of the Code of Alabama 1975, relating to agreement not to assert defenses against assignee to conform the reference to Article 3 of Title 7 to this act; to amend Section 7-9-302 of the Code of Alabama 1975, regarding when a financing statement is required so as to conform an internal citation to this act; to amend Section 7-9-312 of the Code of Alabama 1975, relating to priorities among conflicting security interests in the same collateral to conform an internal citation to this act; and to provide a prospective effective date.

H. 67. To provide for the regulation of consumer debt collectors, and provide penalties for violations.

H. 210. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 326. To provide for mandatory professional liability insurance or approved self insurance for all abortion or reproductive health centers as defined by state law, their employees, and for physicians providing services there; to require the obtaining of professional liability insurance by abortion or reproductive health centers in order to obtain a license to operate, renewal of a license, or for continued operation; to require the Department of Public Health to define and implement the requirements of the act.

H. 344. To amend Sections 25-4-4, 25-4-16, 25-4-54, 25-4-78, 25-4-95, 25-4-120, 25-4-133, and 25-4-134, Code of Alabama 1975, to provide further for the fiscal year, the definition of wages, penalties on certain delinquent employers, disqualifications for unemployment compensation benefits, filing for judicial review of decisions by boards of appeal, offsets to recover overpayment, penalties on employers delinquent in filing certain reports, and limitations on certain actions and to provide for certain retroactive effect.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 147. To require the reasonable posting of personnel vacancies by public school systems, public schools or colleges under the control of the State Board of Education, and certain other public educational institutions before the positions are filled.

H. 153. To require each local school board to establish a written reduction-in-force policy.

H. 315. To amend Sections 16-49-20 and 16-49-26 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University Board of Trustees; to provide further for the membership; to redefine the time, frequency, and manner of convening of the board; and to provide for the replacement of members of the board.

H. 317. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, pertaining to written policies for teachers so as to further provide for written policies and input by education support personnel as well as teachers.

H. 90. To require that any Alabama high school student who successfully completes a state-approved advanced placement course and who earns a certain score on the Educational Testing Service Advanced Placement Examination shall be granted, without further examination, a minimum number of semester or quarter hours of undergraduate credit in such a course at any publicly supported institution of postsecondary or higher education in the State of Alabama in which the student enrolls.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 166. To amend Section 11-92A-5, Code of Alabama 1975, relating to the manner of appointing members of the board of directors of certain industrial development authorities to permit a county legislative delegation to make appointments to the authorities.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 50. (With Amendment): To amend Section 40-10-6, Code of Alabama 1975, to allow publication by the tax collector of notices of land sales for delinquent taxes to be placed in any newspaper or newspapers published in the county.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 149. (With Substitute): To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments there-to.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 190. (With Amendment): To amend Sections 11-53A-1, 11-53A-2, 11-67-20, 11-67-21, 11-67-23, 11-67-25, and 11-67-26 of the Code of Alabama 1975, to provide that Class 6 municipalities may demolish unsafe buildings and structures and may provide for the abatement of weeds within the municipality.

H. 291. (With Amendment): To amend Sections 41-16-50, 41-16-51, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for recycling between municipalities and counties and those providing the service; and to provide that all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened.

H. 303. (With Amendment): To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; and to provide for civil enforcement of the regulations, including civil penalties for violations.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 169. Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901, authorizing the Walker County Commission to levy a tax on alcoholic beverages sold in the county in an amount necessary to provide for a new county jail.

The above bill was read a second time at length as required by the Constitution.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 286. (With Substitute): To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to provide that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

RESOLUTIONS

The following resolutions were introduced:

By Representative Knight (A):

H.J.R. 71. DECLARING THAT THE FEDERAL COURTS DO NOT HAVE THE POWER TO INSTRUCT THE STATES TO LEVY OR INCREASE TAXES.

The resolution, H.J.R. 71, was read and referred to the Standing Committee on Rules.

Also:

By Representative Knight (A):

H.J.R. 72. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

The resolution, H.J.R. 72, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Carns (With Notice and Proof):

H. 354. Relating to Jefferson County, amending Section 2 of Act No. 1123, H. 1145, 1973 Regular Session (Acts 1973, p. 1891), regulating the change of zoning classification by the county or any municipality in the county; to provide for notice of a proposed change in zoning classification to be given to the owners of property located within 1,500 feet from the property which is the subject of the proposed change.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 354, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Buskey (With Notice and Proof):

H. 355. To amend Section 1 of Act No. 80-781, S. 577 of the 1980 Regular Session (Acts 1980, p. 1616), relating to the full-time employees of the Mobile Housing Board, to remove the Executive Director of the Mobile Housing Board from under the classified service of the merit system of the Mobile County's Personnel Board.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 355, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Knight (A):

H. 356. To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 357. To make an appropriation from the General Fund in the State Treasury to the Alabama Department of Economic and Community Affairs, the sum of 1.5 million dollars for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 358. To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the composition and powers of the Judicial Inquiry Commission.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representative Morrison:

H. 359. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1995-96 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

COMMITTEE ON EDUCATION

By Representative Turner:

H. 360. This bill would require all commercial fishing equipment used in the waters of this state to be affixed with a tag containing the name, address, and social security number or tax identification number of the commercial fisherman, and provide for a penalty.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 361. To prohibit the designing, building, or use of wooden fishing boxes with barriers spaced less than an inch apart, and would provide penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 362. To amend Section 9-11-88 of the Code of Alabama 1975, prohibiting the use of gill, trammel, or similar type net, in certain waters of the

state; to prohibit the use of the devices in fresh waters impounded by the William "Bill" Dannelly Reservoir Dam; to specifically exclude the use of certain hoop nets and wooden boxes from the prohibition of similar type nets; and to provide for misdemeanor penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 363. To amend Section 9-11-235 of the Code of Alabama 1975, relating to the taking of certain animals and birds at night, so as to further provide for the penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 364. To authorize the Department of Conservation and Natural Resources to designate the calendar work week for its law enforcement officers.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 365. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 366. To amend Section 9-11-56.2 of the Code of Alabama 1975, relating to the establishment of the annual "Free Fishing Day"; to require for the designation of two dates each calendar year.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 367. To amend Section 9-11-245, Code of Alabama 1975, relating to certain unlawful methods of hunting birds or animals protected by law or regulation, so as to further provide for the use of a scaffold or tree stand for gun hunting of all legal game species except wild turkey.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hall (A), Hinshaw, Haney, Sanderford, Papucci, Jorgensen, and Hall (L) (With Notice and Proof):

H. 368. Relating to Madison County, to amend Act No. 80-277, 1980 Regular Session, as last amended by Act No. 92-522, 1992 Regular Session; to provide further for the organization and operation of the Madison County Legislative Delegation Office.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 368, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Newton (D):

H. 369. To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.

COMMITTEE ON PUBLIC WELFARE

By Representative Hooper:

H. 370. To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the election, appointment, and retention of judicial officers.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Hooper:

H. 371. To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the composition of the Court of the Judiciary; to provide additional procedures for appealing a decision of the Court of the Judiciary; and to provide that the impeachment provisions in Article VI apply to appellate, circuit, and district judges.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Rogers (J):

H. 372. To make a supplemental appropriation from the General Fund in the State Treasury to the Alabama Kidney Foundation in the amount of five hundred thousand dollars (\$500,000) for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 373. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

COMMITTEE ON INSURANCE

By Representatives Sanderson, Spratt, Curry, Gaines, Minnifield, Petelos, Newton (D), and Hilliard (With Notice and Proof):

H. 374. Relating to Jefferson County; relating to alcoholic beverages and the sale of wine in Jefferson County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 374, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hayden:

H. 375. To amend of Section 11-23-6 of the Code of Alabama 1975, to make the requirement that industries located within the boundaries of any industrial park established pursuant to Chapter 23, Title 11, Code of Alabama 1975, furnish and maintain individually or as a group certain enumerated services, permissive and to repeal provisions for mutual agreements for provision of services between the industries and counties or municipalities, the annexation of the industrial parks by municipalities, the inclusion of the industrial parks in the police jurisdictions of municipalities, and the jurisdictions of the sheriff and county courts over the industrial parks.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Newton (D):

H. 376. To amend Section 5-19A-2 of the Code of Alabama 1975, the Alabama Pawnshop Act, to further provide for the exclusion of a certificate of title, bill of sale, or other documentary evidence of ownership of a motor vehicle from the definition of pledged goods.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Millican, Turner, McMillan, Hooper, Hilliard, and Letson:

H. 377. To amend Section 41-9-644, Code of Alabama 1975, relating to the inspection of a criminal offender's records in the possession of the Alabama Criminal Justice Information Center, to increase the fee for the inspection.

COMMITTEE ON WAYS AND MEANS

By Representative Morton:

H. 378. To regulate and provide procedures for personnel records of public school employees.

COMMITTEE ON EDUCATION

By Representatives Sanderford, Hall (A), Haney, Dukes, Papucci, McDaniel, Jorgensen, Morrow, Robinson, Page, and Reed:

H. 379. To amend Section 9-11-237 of the Code of Alabama 1975, relating to the sale and purchase of game birds and animals and the meat or other product thereof, to provide that venison, other than venison from a white-tailed deer, may be sold in the state under certain conditions.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Morton:

H. 380. To provide further for the powers of the board and membership fees of credit unions; to provide for the powers of the administrator of the Alabama Credit Union Administration to include the power to act as a conservator of a credit union under certain conditions, subject to quarterly review of the board; to provide for the rules and regulations and written policies and interpretations of law and regulation and to give certain immunity to officers and directors relying on the written policies and interpretation; and to provide further appointments, qualifications, and residency of members of the credit union board; and for these purposes amending Sections 5-17-4, 5-17-8, 5-17-46, and 5-17-55, Code of Alabama 1975.

COMMITTEE ON BANKING

By Representative Houston (With Notice and Proof):

H. 381. To alter and rearrange the boundaries of the City of Birmingham to include within such boundaries certain described territory situated in Jefferson County, generally known as the Pawnee Reservoir of the Industrial Water System, which is not contiguous to the boundaries of the City of Birmingham.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 381, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Fuller:

H. 382. Providing for certain contract employees of the Alabama Film Office to become unclassified state employees under the hiring and dismissal authority of the Director of the Alabama Development Office and for certain benefits and holidays for the employees.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 383. To make an appropriation from the State General Fund in the amount of \$816,000 to the Child Advocacy Centers for the fiscal year ending September 30, 1996, and to require operations plans and audited financial statements prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 384. To amend Section 1-3-4, Code of Alabama 1975, to change the date of the fiscal year, and to provide for the implementation of the new fiscal year period.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 385. To amend Section 40-21-1, Code of Alabama 1975, to delete navigation companies from the definition of public utility.

COMMITTEE ON WAYS AND MEANS

By Representative Houston (With Notice and Proof):

H. 386. To alter and rearrange the boundaries of the City of Birmingham to include within such boundaries certain described territory situated in Shelby County, generally known as Spain Park, which is not contiguous to the boundaries of the City of Birmingham.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 386, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham:

H. 387. To amend Section 36-20-30, Code of Alabama 1975, to provide for a uniform increase in the notaries public filing fee charged by the judges of probate; to provide for a portion of that fee to be forwarded to the Office of the Secretary of State in order to offset costs associated with this section; and to provide for the creation of the State Notary Public Filing Fee Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C):

H. 388. To amend Sections 36-30-1 and 36-30-21 of the Code of Alabama 1975; to provide that if a peace officer or firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation; to provide that this act shall apply to any municipality even if it has elected to be covered by the workers' compensation laws of this state.

COMMITTEE ON PUBLIC WELFARE

By Representative Knight (A):

H. 389. To authorize participation of employees of regional and local legislative delegation offices in the state employees' health insurance plan.

COMMITTEE ON WAYS AND MEANS

By Representatives Warren, Laird, Layson, and Reed:

H. 390. Providing for distinctive motor vehicle license tags or plates for supporters of Alabama Forests; prescribing the fees for the tags or plates; providing for the establishment of a "Forest Stewardship Education Fund"; providing for the establishment of the "Alabama Forest Stewardship Education Fund"; providing for disposition of the net proceeds from the fees; providing for an expiration date for the tags or plates; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Wren:

H. 391. Relating to municipal corporations; amending Section 11-43-188 of the Code of Alabama 1975, relating to the employment of municipal law enforcement officers in municipalities that do not have a civil service or merit system and a personnel board; to provide for permanent employment status of municipal law enforcement officers in the municipalities under certain conditions; and to provide for review procedures applicable for dismissal actions concerning employees who become classified or permanent municipal law enforcement officers in municipalities that do not have a civil service or merit system and a personnel board.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Wren:

H. 392. To amend Sections 36-30-20, 36-30-21, and 36-30-22 of the Code of Alabama 1975, relating to compensation for disability or death of municipal and other peace officers and law enforcement officers for certain defined occupational diseases; to extend the coverage of benefits for death or disability from certain occupational diseases of peace officers and law enforcement officers of all municipalities, counties, and the state; to define the term peace officer; and to define totally and partially dependent, and spouse.

COMMITTEE ON STATE ADMINISTRATION

By Representative Wren:

H. 393. To amend Section 1 of Act No. 94-614, S. 375, 1994 Regular Session (Acts 1994, p. 1132), now appearing as Section 32-6-360 of the Code of

Alabama 1975, relating to distinctive license tags or plates bearing the words "Fraternal Order of Police"; and to provide that only active members of the Fraternal Order of Police would be eligible to receive the distinctive license tags.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 394. To amend Section 13 of Act No. 94-804 of the 1994 First Special Session, now appearing as Section 36-18-32 of the Code of Alabama 1975; to create the Judicial Education Trust Fund and the Sheriffs' Education Trust Fund; to increase the assessment fee on certain municipal, district, and circuit court cases and to specify the distribution and use of the fees; and to make appropriations for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Morrow:

H. 395. To amend Section 40-2A-11, Code of Alabama 1975, to provide for the payment of penalties for failure to timely pay a tax that is due to be paid to the Department of Revenue.

COMMITTEE ON WAYS AND MEANS

By Representatives Sims, Boyd, and Johnson (R) (With Notice and Proof):

H. 396. Relating to Talladega County; providing further for the fees of constables.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 396, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Knight (A):

H. 397. To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

COMMITTEE ON WAYS AND MEANS

By Representatives Page, Sanderford, Curry, Petelos, Gipson, Morrow, Parker (T), White, and Starkey:

H. 398. To amend Section 32-6-291 of the Code of Alabama 1975, relating to distinctive tags for retired military persons; to provide that a distinctive tag may be issued to retired military persons regardless of the length of their military service.

COMMITTEE ON WAYS AND MEANS

By Representative McKee:

H. 399. To provide distinctive motor vehicle license tags or plates for supporters of the Alabama Shakespeare Festival; to provide for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Mitchell (With Notice and Proof):

H. 400. Relating to Mobile County; to amend Section 4 of Act No. 181, H. 117 of the 1957 Regular Session (Acts 1957, p. 233), to provide that the Mobile County Commission shall govern and control all matters relating to transportation in the Mobile County school system including all school bus drivers, maintenance of all school buses, and the certification of all school bus drivers.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 400, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Petelos and Curry:

H. 401. To amend Section 8-8-11 of the Code of Alabama 1975, to provide that when a partial payment is made on a judgment for child or spousal support, including medical support, the payment shall be applied first to the principal due and the balance of the payment, if any, would be applied to the payment of the interest.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 402. To amend Section 13A-12-213, Code of Alabama 1975, relating to unlawful possession of marihuana in the first degree; to provide that a person commits the crime of unlawful possession of marihuana in the first degree if the person possesses marihuana for personal use after having been previously convicted of any offense involving a controlled substance.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 403. To amend Section 13A-12-231, Code of Alabama 1975, relating to trafficking in cannabis, cocaine, and other illegal drugs, so as to further provide that a person who knowingly sells, manufactures, delivers, or brings into this state, or who knowingly is in actual or constructive possession of in excess of one kilo or 2.2 pounds of any part of a cannabis plant would be guilty of trafficking in cannabis.

COMMITTEE ON JUDICIARY

By Representative Sanderson:

H. 404. Relating to motor vehicles; to amend Sections 40-12-290 and 40-12-291 of the Code of Alabama 1975; to provide for the issuance of a two-year antique license plate or tag only for those vehicles operated as a collector's item; to increase the renewal fee; to prescribe penalties for violating this act; and to delete the provision that the plate or tag is valid without renewal.

COMMITTEE ON WAYS AND MEANS

By Representative Sanderson:

H. 405. To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

COMMITTEE ON HEALTH

By Representative Newton (D):

H. 406. To amend subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by nonprofit organizations for charitable and educational purposes, to provide that the amounts of prizes shall not exceed the amounts set by local law.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Carter, Hooper, McMillan, Turner, Laird, Melton, Letson, Dukes, Seibenhener, Parker (T), Guin, Allen, and Burke:

H. 407. To clarify the provisions of Article 2A of Chapter 10 of Title 41 of the Code of Alabama 1975, by adding a Section 41-10-44.16 thereto providing that the members, owners, or partners of an approved company which is a limited liability company or a partnership shall be entitled to receive the credit against Alabama corporate income tax liability provided by Article 2A; and to provide that the employment and capital expenditure requirements shall be applied to the project and that it shall not be a requirement that the entity which is the obligor on project obligations or which employs persons at the project be the same entity or entities which receive the credit against Alabama income tax liability.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representative Hall (A) (With Notice and Proof):

H. 408. To amend Sections 1 and 3 of Act No. 93-379, H. 373 of the 1993 Regular Session (Acts 1993, p. 653), relating to Jackson County; providing further for certain county-owned or leased motor vehicles to be marked for identification purposes, and to provide further for the enforcement of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 408, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morrow, Hill, and Gipson:

H. 409. Relating to redemption of real property foreclosed under a mortgage or sold by virtue of a judgment, to reduce from one year to 90 days the period of time for the tender of payment or bringing of suit; for this purpose to amend Sections 6-5-248, 6-5-252, and 8-1-172 of the Code of Alabama 1975; and to provide the effective date of this provision.

COMMITTEE ON JUDICIARY

By Representative Morrow (With Notice and Proof):

H. 410. Relating to Franklin County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county jail in a special fund to be used by the sheriff for law enforcement purposes.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 410, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow (With Notice and Proof):

H. 411. Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 411, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morrison and Box:

H. 412. To prohibit any person from possessing, without authority, any state, county, or municipal traffic sign; and to provide penalties.

COMMITTEE ON JUDICIARY

By Representative Morrison (With Notice and Proof):

H. 413. Relating to Cullman County; providing for the expenditure of certain funds for the road and street signs necessary for E911 emergency telephone service.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 413, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Smith (With Notice and Proof):

H. 414. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 414, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dukes (With Notice and Proof):

H. 415. Providing for a board of education for the City of Decatur, to be elected by the qualified electors of the city; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing members and for filling vacancies on the board; providing for board representation for persons not residing within a specific school district; providing certain immunity for board members; and providing for financial audits of the records of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 415, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dukes (With Notice and Proof):

H. 416. Relating to the City of Decatur; to authorize the city to provide each city police officer who retires in good standing with his or her badge and a pistol.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 416, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dukes (With Notice and Proof):

H. 417. Relating to the City of Decatur; to provide for the abatement of grass and weeds which become a nuisance under certain conditions; to provide for notice to the property owners; to provide for the assessment of the costs for abatement when the work is required to be performed by the city; and to provide for liens on the property under certain conditions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 417, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Layson (With Notice and Proof):

H. 418. Relating to Pickens County; providing for the fee for the issuance of pistol permits; providing for the deposit of fees in a fund known as the Sheriff's Pistol Permit Fund; and providing for the use of the fund and repealing Act No. 529, H. 574 of the 1971 Regular Session (Acts 1971, p. 1256) and Act No. 83-551, H. 520 of the 1983 Regular Session (Acts 1983, p. 850).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 418, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dukes:

H. 419. To provide an additional alternative procedure for incorporated municipalities to incorporate into their boundaries certain contiguous unincorporated territory upon petition of landowners under certain conditions; to require that certain municipal services be furnished in the area as a condition to the assessment of ad valorem taxation.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Sims:

H. 420. To amend Section 36-21-45 of the Code of Alabama 1975, to provide further for the establishment of law enforcement training schools.

COMMITTEE ON PUBLIC WELFARE

By Representative Mitchell (With Notice and Proof):

H. 421. Relating to Mobile County; pertaining to the Personal Board of Mobile County; to amend Section IV of Act No. 470, H. 952 of the 1939 Regular Session (Acts 1939, p. 298), to provide that the personnel department shall govern and control all matters pertaining to the employees of the Mobile County School System; and to provide further that the employees of the Mobile County School System shall not be members of the classified service.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 421, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Payne and Carns:

H. 422. To propose an amendment to the Constitution of Alabama of 1901, providing that regular sessions of the Legislature in all odd-numbered years shall be limited to subjects pertaining to local legislation, matters of the budgets, and certain other legislation; providing for the subject matter for regular sessions during even-numbered years and allowing certain exceptions; and providing for the duration of sessions.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representatives Carter, Clark (J), Hooper, Turner, Seibenhener, Moore, Baker, Minnifield, Papucci, Hinshaw, Sanderford, McDaniel, Dukes, and Gipson:

H. 423. To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the sum of the capital credits authorized by this act and certain other tax and other incentives offered by the state and certain local entities shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that the provision would eliminate tax or other incentives previously granted by the State Industrial

Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for those new projects.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representatives Gipson, Wren, and Page:

H. 424. Relating to the Public Service Commission; amending Sections 37-1-12 and 37-1-16 of the Code of Alabama 1975, which authorize the commission to employ personnel as members of its staff using provisions of the state merit system; and repealing Sections 37-1-12.1 and 37-1-12.2 of the Code of Alabama 1975, which relate to the hiring of certain employees outside the state merit system.

COMMITTEE ON STATE ADMINISTRATION

By Representative Gipson:

H. 425. To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

COMMITTEE ON WAYS AND MEANS

By Representatives Page, Morrow, Johnson (E), Starkey, and Ford:

H. 426. To require every state agency administering a federally funded employment and training program to include in each program a priority system for serving veterans and other eligible persons and to provide for definitions.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Gaines, Hill, Petelos, Thomas (D), Curry, Knight (A), Penry, and Seibenhener:

H. 427. To provide for the deposit of a percentage of any punitive damages into the State General Fund and specify the use of the proceeds; and to limit attorneys' fees.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Gaines, Petelos, Hill, Thomas (D), Curry, Knight (A), Penry, and Sanderson:

H. 428. To authorize the state to pay the tuition of any needy, qualified

student pursuing a baccalaureate degree at any Alabama state college or university; to provide definitions; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

COMMITTEE ON EDUCATION

By Representative Fuller:

H. 429. To prohibit a former public official or public employee of the state from acting as attorney for any person other than himself or herself or the state, and from aiding, counseling, advising, consulting or assisting in representing any other person in connection with any judicial proceeding or other matter in which the state is a party or has a direct and substantial interest and in which the former public official or public employee participated personally and substantially as a public official or employee.

To prohibit a former public official or public employee of the state from, within two years after termination of office or employment, acting as attorney for any person other than himself or herself or the state, and from aiding, counseling, advising, consulting or assisting in representing any other person in connection with any judicial proceeding or other matter in which the state is a party or has a direct and substantial interest and which was within or under the public official or public employee's official responsibility as an official or employee.

To allow the Attorney General to waive the application of this bill to a public official or public employee under certain circumstances.

To provide that actions for violations of its provisions may be instituted by the Attorney General or the District Attorneys, that a violation shall be a Class C felony and to bar retention or recovery of compensation for services rendered in violation thereof.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 430. To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad

valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

The following resolution was introduced:

By Representatives Hooper, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 73. MOURNING THE DEATH OF NANCY SUTHERLAND BOSWELL.

The resolution, H.J.R. 73, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Robinson and Hall (A):

H.R. 74. MOURNING THE DEATH OF W. R. COLLINS OF JACKSON COUNTY, ALABAMA.

Also:

By Representative Robinson:

H.R. 75. EXTENDING CONGRATULATIONS TO MR. AND MRS. BRUCE YATES OF SCOTTSBORO, ALABAMA, ON THE BIRTH OF A DAUGHTER, CAROLINE LEE.

Also:

By Representative Box:

H.R. 76. COMMENDING THE SENIOR MEMBERS OF THE SATSUMA HIGH SCHOOL BANDS ON OUTSTANDING ACCOMPLISHMENTS.

Also:

By Representative Houston:

H.R. 77. HONORING MR. ROMANIA DENNIS FOR OUTSTANDING SERVICE.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 1, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Buskey, Carter, Collins, Dean, Dukes, Flowers, Fuller, Galliher, Gipson, Graham, Guin, Hammett, Hinshaw, Hogan, Holmes, Knight (J), Laird, Layson, Lindsey, McClammy, McKee, Melton, Millican, Morrow, Newton (D), Page, Papucci, Parker (P), Penry, Robinson, Sanderford, Sanderson, Sims, Smith, Venable, Warren, White, Willis and Wren.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1. Relating to Washington County; requiring the Washington County Tax Collector to be responsible for all delinquent tax collections.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Buskey, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Fuller, Galliher, Graham, Guin, Hammett, Hawk, Hill, Hinshaw, Hogan, Jackson, Jorgensen, Knight (A), Layson, Letson, Lindsey, McKee, Melton, Millican, Morrow, Morton, Newton (D), Page, Papucci, Parker (P), Petelos, Pringle, Rogers (M), Seibenhener, Smith, Willis and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 2, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gipson, Guin, Hamilton, Hammett, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston,

Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-71

And the bill:

H. 2. To alter or rearrange the boundary lines of the Town of Toxey, Choctaw County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable, Warren, Willis and Wren.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 19, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hill,

Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-78

And the bill:

H. 19. Relating to Clarke County; providing for the pistol permit fee of the sheriff; providing for the distribution of the funds; providing for the establishment of a fund known as "The Sheriff's Fund"; providing for an audit of the funds; and providing for the repeal of Act No. 294. H. 1052, 1977 Regular Session (Acts 1977, p. 396).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hill, Hinshaw, Hooper, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Thomas (D), Vance, Venable, Willis and Wren.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 61, was adopted.

Yeas 76; Nays 0.

Yea:

Representatives Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes,

Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Warren, Willis and Wren.

-76

And the bill:

H. 61. Relating to Henry County; amending Act No. 93-386, H. 828, 1993 Regular Session, which provided for additional court costs, to provide further for those costs.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable and Willis.

-77

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 73, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McClammy, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Townsend, Turnham, Vance, Venable, Warren and Willis.

-72

And the bill:

H. 73. Relating to Etowah County; levying a sales and use tax effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

was taken up.

AMENDMENT OFFERED

Representative Ford offered the following amendment to the bill, H. 73:

On page 2, line 3, delete "shall" and insert in lieu thereof: may

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McMillan, Melton,

Millican, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-69

And the bill:

H. 73. Relating to Etowah County; levying a sales and use tax effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Dean, Drake, Dukes, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hayden, Hill, Hilliard, Hogan, Holmes, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Reed, Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, White and Willis.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 80, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawkins, Hill, Hilliard, Hinshaw, Hogan,

Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Thomas (D), Turner, Turnham, Vance, Venable, White and Willis.

-71

And the bill:

H. 80. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the jurisdiction of the Franklin County School System.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Ford, Fuller, Galliher, Gaston, Graham, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Petelos, Reed, Rogers (J), Rogers (M), Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-69

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 88, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Dolbare, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hilliard,

Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Papucci, Parker (P), Reed, Robinson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren and Willis.

-65

And the bill:

H. 88. Relating to Sumter County; providing for the distribution of certain funds received by the county from the disposal of hazardous waste; and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dukes, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Reed, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable and Willis.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Smith, the Budget Isolation Resolution relating to the bill, H. 101, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Drake, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Hall (L), Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Newton (D), Papucci, Penry, Petelos,

Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-67

And the bill:

H. 101. Relating to Chilton County; providing for an additional expense allowance and salary for the sheriff, and for the expiration of the expense allowance.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Drake, Flowers, Fuller, Galliher, Graham, Guin, Hall (L), Hammett, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Morton, Murphree, Newton (D), Papucci, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-59

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Smith, the Budget Isolation Resolution relating to the bill, H. 103, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Buskey, Carothers, Carter, Clark (W), Collins, Crigler, Drake, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Newton (C), Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

-65

And the bill:

H. 103. Relating to Chilton County; providing for an additional expense allowance and salary for the coroner; and providing for the expiration of the expense allowance.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Drake, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Petelos, Pringle, Robinson, Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, H. 221, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Vance, Venable and Willis.

-66

And the bill:

H. 221. (With Amendment): Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 2, after line 10, add the following new section and renumber the remaining sections:

Section 3. The recording fee provided by this act shall expire five years after the effective date of this act and the provisions of this act shall be repealed at that time.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Carothers, Carter, Clouse, Crigler, Curry, Drake, Dukes, Flowers, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable and Willis.

-61

And the bill:

H. 221. Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hall (L), Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Smith, Spratt, Thomas (D), Turnham, Vance, Venable and Willis.

-56

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, H. 222, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (D), Parker (P), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable and Willis.

-64

And the bill:

H. 222. (With Amendment): Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 1, line 23, after the words "traffic cases," add the following: but excluding small claims cases,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-60

And the bill:

H. 222. Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable and Willis.

-67

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, H. 223, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Galliher, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, McAdory, McClammy, McMillan, Melton, Minnifield, Morrison, Morton, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance and Willis.

-55

And the bill:

H. 223. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Hillsboro in Lawrence County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, White and Willis.

-63

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, H. 224, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-66

And the bill:

H. 224. Relating to Lawrence County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-60

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 135, were temporarily carried over at the request of Representative Hammett.

H. 55 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 55, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 59, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

And the bill:

H. 59. To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney,

Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 74, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-87

And the bill:

H. 74. To amend Section 29-2-20, Code of Alabama 1975, to add additional members to the Joint Prison Committee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller,

Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, Melton, Mitchell, Morrison, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-73

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hilliard intended to vote "Yea" on passage of the bill, H. 74.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 40, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-87

And the bill:

H. 40. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement

Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 16, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 16. (With Amendment): To require a charitable organization and certain other persons to place a disclosure label in a conspicuous place on a container or other receptacle with products for offer of sale for the purpose of soliciting funds or donations for a charitable purpose; to define the crime of unlawful charitable solicitation; to provide misdemeanor penalties for violations of this act; and to provide exceptions.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 16 on Page 4, Section 3, Line 6, after the word "nonprofit" delete the following word: ~~organization~~ and insert the following word in lieu thereof: corporation

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-92

And the bill:

H. 16. To require a charitable organization and certain other persons to place a disclosure label in a conspicuous place on a container or other receptacle with products for offer of sale for the purpose of soliciting funds or donations for a charitable purpose; to define the crime of unlawful charitable solicitation; to

provide misdemeanor penalties for violations of this act; and to provide exceptions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-91

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Gaston and Boyd intended to vote "Yea" on passage of the bill, H. 16, as amended.

REPORT FILED

Pursuant to House Joint Resolution 125, Act No. 84, 1976 Regular Session, and supplemented by Act No. 79-52, S.J.R. 19, Regular Session of the 1979 Legislature, Representative Frank P. White, Chairperson, submitted the Report of the Joint Legislative Prison Committee, and the report was ordered filed.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 25, were temporarily carried over at the request of Representative Knight (J).

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hooper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 126.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On substitute motion of Representative Hooper, the bill, H. 126, and the pending Budget Isolation Resolution were temporarily carried over in accordance with House Rule 21.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 3. ELECTING A LEGISLATIVE REPRESENTATIVE TO THE GULF STATES MARINE FISHERIES COMMISSION.

Also:

S.J.R. 4. RECOGNIZING THE SPACE SHUTTLE MAIN ENGINE PROGRAM AND MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 8. MOURNING THE DEATH OF KELLY ANTONETTE DEFOE OF ATHENS, ALABAMA.

Also:

S.J.R. 9. MOURNING THE DEATH OF REGINA FAYE CLARK OF ATHENS, ALABAMA.

Also:

S.J.R. 10. MOURNING THE DEATH OF ARTHUR ALLEN MING OF ATHENS, ALABAMA.

Also:

S.J.R. 11. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA MEDICAID AGENCY'S PROPOSED AMENDMENT OF RULE NO. 560-X-16-.09, ENTITLED "PRIOR AUTHORIZATION."

Also:

S.J.R. 13. COMMENDING THE ALABAMA CHILDREN'S REHABILITATION SERVICE ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY.

Also:

S.J.R. 14. COMMENDING THE JEFFERSON DAVIS HIGH SCHOOL VOLUNTEERS ON THE 1995 STATE 6A BASKETBALL CHAMPIONSHIP.

Also:

S.J.R. 15. COMMENDING CLYDE B. ANDERSON OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 16. COMMENDING CAROLINE SELF, ALABAMA'S 1995 JUNIOR MISS.

Also:

S.J.R. 17. MOURNING THE DEATH OF JESSE J. LEWIS, JR., OF BIRMINGHAM, ALABAMA.

Also:

S.J.R. 18. COMMENDING COACH DON COX, 4A-6A FOOTBALL COACH OF THE YEAR.

Also:

S.J.R. 19. COMMENDING DERON DAVIS OF HUEYTOWN, ALABAMA.

Also:

S.J.R. 20. NAMING THE NEW DOG RIVER BRIDGE IN MOBILE COUNTY THE "JOHN ROBERTS PEAVY BRIDGE."

Also:

S.J.R. 24. COMMENDING YETTA G. SAMFORD, JR., FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

S.J.R. 25. HONORING DR. WAYNE TEAGUE FOR HIS TWENTY-YEAR SERVICE TO ALABAMA AS STATE SUPERINTENDENT OF EDUCATION.

Also:

S.J.R. 26. HONORING THE CENTRAL HIGH SCHOOL COUGARS FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 27. RECOGNIZING SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION, INC.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 221. Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

TOMMY CARTER
Chairman

And the bill, H. 221, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 73. Relating to Etowah County; levying a sales and use tax effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

TOMMY CARTER
Chairman

And the bill, H. 73, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 222. Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

TOMMY CARTER
Chairman

And the bill, H. 222, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 16. To require a charitable organization and certain other persons to place a disclosure label in a conspicuous place on a container or other receptacle with products for offer of sale for the purpose of soliciting funds or donations for a charitable purpose; to define the crime of unlawful charitable solicitation; to

provide misdemeanor penalties for violations of this act; and to provide exceptions.

TOMMY CARTER
Chairman

And the bill, H. 16, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 27. RECOGNIZING WITH COMMENDATION THE 175TH ANNIVERSARY OF COKER BAPTIST CHURCH.

Also:

H.J.R. 31. HONORING DR. WILLIAM HAMILTON HARRIS ON BEING INAUGURATED AS PRESIDENT OF ALABAMA STATE UNIVERSITY

Also:

H.J.R. 32. COMMENDING THE BUCKHORN BUCKS BASKETBALL TEAM OF NEW MARKET, ALABAMA, FOR WINNING THE CLASS 5A STATE BASKETBALL TITLE.

Also:

H.J.R. 33. COMMENDING THE HAZEL GREEN LADY TROJANS, STATE 5A BASKETBALL CHAMPIONS.

Also:

H.J.R. 45. DESIGNATING A PORTION OF U.S. HIGHWAY 29 AND COUNTY ROAD 43 IN COVINGTON COUNTY AS "THE HISTORIC THREE NOTCH TRAIL."

Also:

H.J.R. 47. COMMENDING POLICE OFFICER LARRY HAMMONDS FOR OUTSTANDING HEROISM.

Also:

H.J.R. 48. COMMENDING THE MAPLESVILLE LADY RED DEVILS ON THE ALABAMA CLASS 1A BASKETBALL CHAMPIONSHIP.

Also:

H.J.R. 49. COMMENDING THE COOSA COUNTY CENTRAL HIGH SCHOOL COUGARS ON THE 1995 STATE 4A BASKETBALL CHAMPIONSHIP.

Also:

H.J.R. 50. HONORING LISA BRADEN FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H.J.R. 51. COMMENDING THE SPRINGVILLE HIGH SCHOOL VARSITY CHEERLEADING SQUAD FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 6. HONORING GENERAL CARL E. MUNDY, JR., COMMANDANT UNITED STATES MARINE CORPS.

Also:

H.J.R. 14. DESIGNATING ALABAMA HIGHWAY 275 AT HIGHWAY 77 IN TALLADEGA COUNTY, "THE JIMMY GRANT FREEMAN BYPASS."

Also:

H.J.R. 18. MOURNING THE TRAGIC DEATH OF ANDREA GONZALEZ.

Also:

H.J.R. 20. COMMENDING VINCENT BRADLEY NEWBILL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 21. COMMENDING DOROTHY A. GILROY KNAPP FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 22. COMMENDING VICTOR A. MCSWAIN, P.E. OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 23. COMMENDING JIMMY SANFORD OF PRATTVILLE, ALABAMA.

Also:

H.J.R. 24. COMMENDING THE AUTAUGAVILLE HIGH SCHOOL EAGLES AS THE 1995 STATE CLASS 1A BASKETBALL CHAMPIONS.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 9. MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

Also:

H.J.R. 17. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

Also:

H.J.R. 30. REQUESTING THE ALABAMA SECRETARY OF STATE TO FURNISH ONE COPY OF THE BOUND ACTS AND ONE COPY OF THE BOUND JOURNALS UPON REQUEST TO MEMBERS OF THE ALABAMA LEGISLATURE.

Also:

H.J.R. 70. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Lindsey and Freeman:

S. 110. To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 110. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 59. To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 59. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford:

S. 6. To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesigned contributions.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 6. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee:

S. 206. To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 206. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford:

S. 9. To amend Sections 41-9-741, 41-9-742, and 41-9-744 of the Code of Alabama 1975, to provide further for the composition of the membership, election of new members, and a quorum for certain meetings of the Alabama Senior Citizens Hall of Fame.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 9. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 63. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 63. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler:

S. 5. To amend Section 13A-12-231, Code of Alabama 1975, relating to trafficking in cannabis, cocaine, and other illegal drugs, so as to further provide that a person who knowingly sells, manufactures, delivers, or brings into this state, or who knowingly is in actual or constructive possession of in excess of one kilo or 2.2 pounds of any part of a cannabis plant would be guilty of trafficking in cannabis.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 5. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Poole:

S. 60. To provide for the taking of a deposition or a videotaped deposition of a victim or a witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons or other exceptional circumstances; to

provide for the use of the depositions; to authorize rules by the Alabama Supreme Court; and to specifically repeal Sections 12-21-260, 12-21-261, and 12-21-262 of the Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 60. Judiciary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 78. MOURNING THE DEATH OF DR. JOHN BEN COOK OF AUBURN, ALABAMA.

Also:

By Representative Penry:

H.R. 79. COMMENDING SARA MCDANIEL, OFFICE MANAGER OF THE ALABAMA PETROLEUM COUNCIL.

Also:

The following resolution was introduced:

By Representatives Sims, Willis, Boyd and Rogers (M):

H.R. 80. URGING STATE OFFICIALS TO CORRECT THE HAZARDOUS DOUBLE BRIDGES IN CALHOUN COUNTY ON HIGHWAY 202, WEST OF ANNISTON.

The resolution, H.R. 80, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Wren:

H.R. 81. HONORING MR. ROBERT ABERNATHY OF MILLBROOK, ALABAMA, ON THE OCCASION OF HIS 80TH BIRTHDAY.

H. 305 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 305, from the Standing Committee on Local Government to the Standing Committee on Commerce, Transportation and Utilities.

RESOLUTIONS

The following resolutions were introduced:

By Representative Wren:

H.J.R. 82. HONORING MR. ROBERT ABERNATHY OF MILLBROOK, ALABAMA, ON THE OCCASION OF HIS 80TH BIRTHDAY.

The resolution, H.J.R. 82, was read and referred to the Standing Committee on Rules.

Also:

By Representative Reed:

H.J.R. 83. URGING CONGRESS TO MODIFY THE FOOD STAMP PROGRAM IN ORDER TO ALLOW UP TO 25 PERCENT OF FOOD STAMPS TO BE ISSUED AS VOUCHERS WHICH COULD BE USED FOR CLOTHING AND PERSONAL ITEMS.

The resolution, H.J.R. 83, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hall (L):

H.J.R. 84. MOURNING THE DEATH OF MRS. RUBY H. CHERRY.

The resolution, H.J.R. 84, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hall (L):

H.J.R. 85. MOURNING THE DEATH OF DR. BESSIE WASHINGTON JONES OF HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 85, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Boyd, Hall (L), Graham and Kennedy:

H.J.R. 86. COMMEMORATING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

The resolution, H.J.R. 86, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Boyd, Hall (L), Graham and Kennedy:

H.J.R. 87. HONORING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

The resolution, H.J.R. 87, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Boyd, Hall (L), Graham and Kennedy:

H.J.R. 88. COMMEMORATING THE SERVICE OF MRS. JUNE BUGG.

The resolution, H.J.R. 88, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 89. MOURNING THE DEATH OF LINDA MARIE NIX OF ANDALUSIA, ALABAMA.

Also:

By Representative Jackson:

H.R. 90. HONORING WALTER L. TAITE, SR., ON THE OCCASION OF HIS 100TH BIRTHDAY.

Also:

By Representative Jackson:

H.R. 91. HONORING ELDER JIMMY RICKEY ALLEN OF THOMASVILLE, ALABAMA.

Also:

By Representative Sims:

H.R. 92. COMMENDING THOSE GROUPS WHO CONDUCTED THE HEALTH FAIR AT THE STATE HOUSE BUILDING.

Also:

The following resolutions were introduced:

By Representative Sims:

H.R. 93. RECOGNIZING AND DECLARING NATIONAL NURSES WEEK ON MAY 6-12.

The resolution, H.R. 93, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carter:

H.J.R. 94. RECOGNIZING "THANKS TO THEM" AS THE OFFICIAL SONG HONORING WORLD WAR II VETERANS FOR 1995.

The resolution, H.J.R. 94, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 135, which was previously temporarily carried over was adopted.

Yeas 80; Nays 16.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Black (L), Buskey, Clark (W), Drake, Hall (L), Hayden, Holmes, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, Mitchell and Thomas (J).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Melton intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 135.

And the bill:

H. 135. (With Amendments): To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions

and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

On page 46, lines 18 and 19, delete the language "Any person or persons having the authority" and insert in lieu thereof: Any public official or public employee whose primary duty is

AMENDMENT ADOPTED

And the committee amendment #1 was adopted.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E),

Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative McAdory.

- 1

The question was then on the adoption of the amendment #2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 135 on page 37, line 13 after the word "candidate" by deleting the "." and adding the following ; the provision of this section dealing with the campaign debt of the candidates or the principal campaign committee of the candidate shall not apply to any prior candidate or current elected official who files a verified statement of such debt with the Secretary of State on or before the effective date of this act. Said debt must have been created on or before January 1, 1995 and directly related to lawful campaign expenditures.

Provided, however, any candidate or elected official whose election is challenged may then accept, solicit and receive campaign contributions for the purpose of paying all expenses associated with the election challenge for so long as there are unpaid election challenge expenses.

AMENDMENT TABLED

On motion of Representative Hammett, the committee amendment #2 was tabled.

Yeas 87; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree,

Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Mitchell.

- 1

The question was then on the adoption of the amendment #3 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 135 on page 47, Section 36-25-14, line 3 by adding after the word "superintendents" the following and school board members

AMENDMENT ADOPTED

And the committee amendment #3 was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Hammett offered the following amendment #1 to the bill, H. 135, as amended:

Amend H. 135, page 37, subsection (a), line 13, after the word "candidate" by striking the period - and inserting the following language: or to the extent of reaching the threshold that is required for qualification as a candidate for the office which he or she currently holds. The provision of this section dealing with the campaign debt of the candidates or the principal campaign committee of the candidate shall not apply to any prior candidate or current elected official who files a verified statement of such debt with the Secretary of State on or before the effective date of this act. Said debt must have been created on or before January 1, 1995 and shall be directly related to lawful campaign expenditures. Provided, however, any candidate or elected official whose election is challenged including quo warranto challenges may then accept, solicit and receive campaign contributions for the purpose of paying all expenses associated with the election challenge.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 27. RECOGNIZING WITH COMMENDATION THE 175TH ANNIVERSARY OF COKER BAPTIST CHURCH.

Also:

H.J.R. 31. HONORING DR. WILLIAM HAMILTON HARRIS ON BEING INAUGURATED AS PRESIDENT OF ALABAMA STATE UNIVERSITY

Also:

H.J.R. 32. COMMENDING THE BUCKHORN BUCKS BASKETBALL TEAM OF NEW MARKET, ALABAMA, FOR WINNING THE CLASS 5A STATE BASKETBALL TITLE.

Also:

H.J.R. 33. COMMENDING THE HAZEL GREEN LADY TROJANS, STATE 5A BASKETBALL CHAMPIONS.

Also:

H.J.R. 45. DESIGNATING A PORTION OF U.S. HIGHWAY 29 AND COUNTY ROAD 43 IN COVINGTON COUNTY AS "THE HISTORIC THREE NOTCH TRAIL."

Also:

H.J.R. 47. COMMENDING POLICE OFFICER LARRY HAMMONDS FOR OUTSTANDING HEROISM.

Also:

H.J.R. 48. COMMENDING THE MAPLESVILLE LADY RED DEVILS ON THE ALABAMA CLASS 1A BASKETBALL CHAMPIONSHIP.

Also:

H.J.R. 49. COMMENDING THE COOSA COUNTY CENTRAL HIGH SCHOOL COUGARS ON THE 1995 STATE 4A BASKETBALL CHAMPIONSHIP.

Also:

H.J.R. 50. HONORING LISA BRADEN FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H.J.R. 51. COMMENDING THE SPRINGVILLE HIGH SCHOOL VARSITY CHEERLEADING SQUAD FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 6. HONORING GENERAL CARL E. MUNDY, JR., COMMANDANT UNITED STATES MARINE CORPS.

Also:

H.J.R. 14. DESIGNATING ALABAMA HIGHWAY 275 AT HIGHWAY 77 IN TALLADEGA COUNTY, "THE JIMMY GRANT FREEMAN BYPASS."

Also:

H.J.R. 18. MOURNING THE TRAGIC DEATH OF ANDREA GONZALEZ.

Also:

H.J.R. 20. COMMENDING VINCENT BRADLEY NEWBILL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 21. COMMENDING DOROTHY A. GILROY KNAPP FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 22. COMMENDING VICTOR A. MCSWAIN, P.E. OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 23. COMMENDING JIMMY SANFORD OF PRATTVILLE, ALABAMA.

Also:

H.J.R. 24. COMMENDING THE AUTAUGAVILLE HIGH SCHOOL EAGLES AS THE 1995 STATE CLASS 1A BASKETBALL CHAMPIONS.

Also:

H.J.R. 9. MOURNING THE DEATH OF BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

Also:

H.J.R. 17. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

Also:

H.J.R. 30. REQUESTING THE ALABAMA SECRETARY OF STATE TO FURNISH ONE COPY OF THE BOUND ACTS AND ONE COPY OF THE BOUND JOURNALS UPON REQUEST TO MEMBERS OF THE ALABAMA LEGISLATURE.

Also:

H.J.R. 70. RELATIVE TO MEETING DAYS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 135 RESUMED

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Galliher intended to vote "Yea" on adoption of the amendment #1 offered by Representative Hammett relating to the bill, H. 135, as amended.

AMENDMENT OFFERED

Representative Hammett offered the following amendment #2 to the bill, H. 135, as amended:

Amend H. 135, page 11, beginning on line 13, by striking subsection (12) in its entirety and inserting the following language: "(12) GOVERNMENTAL CORPORATIONS AND AUTHORITIES. Public or private corporations and authorities, including but not limited to, hospitals or other health care corporations, established pursuant to state law by state, county or municipal governments for the purpose of carrying out a specific governmental function.

Further amend H. 135, page 15, Subsection (22), line 18, after the word "corporations" by inserting the following language: and authorities

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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AMENDMENT OFFERED

Representative Hammett offered the following amendment #3 to the bill, H. 135, as amended:

Amend H. 135, page 18, subsection 3, line 11, after the words "within a" by striking the following:

24-hour period and inserting the following language: calendar day

Further amend H. 135, page 19, at the beginning of line 1 by striking the following: 24-hour period and inserting the following language: calendar day

Further amend H. 135, page 19, beginning on line 7, after the word "value" by striking the following language: which are produced in Alabama

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers,

Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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AMENDMENT OFFERED

Representative Hammett offered the following amendment #4 to the bill, H. 135, as amended:

Amend H. 135, page 25, subsection (f), line 15, after the word "employees" by striking the following language: ~~and shall be consistent with the salaries paid to cabinet level appointees~~

Further amend H. 135, page 27, subsection (i), line 7, after the word "and" by inserting the following language: a maximum of six

AMENDMENT ADOPTED

And the amendment #4 was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

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AMENDMENT OFFERED

Representative Hammett offered the following amendment #5, to the bill, H. 135, as amended:

Amend H. 135, page 29, subsection (7), line 7, after the word "unanimous" by inserting the following: written

Further amend on page 29, subsection (7), line 8, after the word "members" by striking the following language: ~~present or, if the commission is not in session, by unanimous written consent of all members~~

Further amend on page 29, immediately following line 10 by inserting the following language: To the extent authorized by Title 41-5, Code of Alabama 1975,

Further amend on page 29, at the beginning of line 11 by striking the following: When and inserting the following: when

Further amend H. 135, page 30, subsection (9), line 10, after the word "any" by striking the following: official

Further amend on page 30, subsection (9), line 22, after the word "any" by striking the following: official

AMENDMENT ADOPTED

And the amendment #5 was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

AMENDMENT OFFERED

Representative Hammett offered the following amendment #6, to the bill, H. 135, as amended:

Amend H. 135, page 35, subsection (c), line 18, after the number "17-22A-2," by inserting the following language: which would materially affect his or her financial interest,

Further amend H. 135, page 35, subsection (d), line 23, after the word "benefit," by inserting the following language: which would materially affect his or her financial interest,

Further amend H. 135, page 35, subsection (e), line 24, after the word "shall" by inserting the following language: , other than in the ordinary course of business,

Further amend H. 135, page 35, subsection (e), line 25, after the word "solicit" by striking the following language: any financial transaction with and inserting the following language: a thing of value from

Further amend H. 135, page 36, line 1, after the word "she" by inserting the following language: directly

AMENDMENT ADOPTED

And the amendment #6 was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

AMENDMENT OFFERED

Representative Hammett offered the following amendment #7, to the bill, H. 135, as amended:

Amend H. 135, page 38, subsection (2), line 8, after the word "legislative" by striking the following: session

Further amend H. 135, page 38, subsection (3), line 9, after the word "Fund" by inserting the following language: , Special Education Trust Fund

Further amend H. 135, page 39, subsection (b), line 6, after the word "official" by inserting the following language: for the purpose of influencing official action

Further amend H. 135, page 39, subsection (d), line 14 after the word "for" by inserting the following language: advice or assistance on matters concerning the legislature,

Further amend on page 39, subsection (d), line 15, after the word "body," by inserting the following language: an executive department or any public regulatory board, commission or other body

AMENDMENT ADOPTED

And the amendment #7 was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

AMENDMENT OFFERED

Representative Hammett offered the following amendment #8, to the bill, H. 135, as amended:

Amend H. 135, page 43, subsection 36-25-12, line 18, after the word "body" by inserting the following language: other than in the ordinary course of business

AMENDMENT ADOPTED

And the amendment #8 was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

AMENDMENT OFFERED

Representative Hammett offered the following amendment #9 to the bill, H. 135, as amended:

Amend H. 135, page 48, subsection (1), line 11, after the word "children" by striking the following language: and their spouses

Further amend on page 48, line 11, after the word "parents" by striking the comma , and inserting the word and

Further amend on page 48, line 11, after the word "siblings" by striking the following: and their spouses

Further amend H. 135, page 49, subsection (3), beginning on line 5, after the figure "(\$10,000)" by striking the following language: and less than twenty five thousand dollars (\$25,000); at least twenty five thousand dollars (\$25,000)

Further amend on page 49, beginning on line 8, after the figure "\$50,000" by striking the following language: and less than one hundred thousand dollars (\$100,000); at least one hundred thousand dollars (\$100,000)

SUBSTITUTE AMENDMENT OFFERED

Representative Haney offered the following substitute amendment to the amendment #9 offered by Representative Hammett to the bill, H. 135, as amended:

Amend House Bill 135 on page 49 by deleting lines 4-14 in their entirety and inserting in lieu thereof: "(\$10,000); ten thousand dollars (\$10,000-00) or more. further, the The person reporting shall".

Further amend on page 51 by deleting lines 23-26 and on page 52 by deleting lines 1-4 in their entirety and inserting in lieu thereof: "least \$50,000-00 fifty thousand dollars (\$50,000) but less than \$250,000-00 two hundred fifty thousand dollars (\$250,000); \$250,000-00 two hundred fifty thousand dollars (\$250,000) or more."

MOTION TO TABLE LOST

The motion offered by Representative Hammett to table the substitute amendment offered by Representative Haney to the amendment #9 offered by Representative Hammett to the bill, H. 135, as amended, was lost.

Yeas 31; Nays 52.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Dukes, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Lindsey, Morrow, Murphree, Newton (C), Parker (T), Smith, Spratt, Starkey, Vance, Venable and Warren.

-31

Nay:

Representatives Baker, Black (L), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Gaines, Hall (A), Hamilton, Hayden, Hill, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morton, Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, White, Willis and Wren.

-52

SUBSTITUTE AMENDMENT LOST

The question was then on the substitute amendment offered by Representative Haney to the amendment #9 offered by Representative Hammett to the bill, H. 135, as amended, and the substitute amendment was lost.

Yeas 40; Nays 45.

Yea:

Representatives Black (L), Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Hall (A), Hamilton, Hayden, Hill, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, McDaniel, McMillan, Moore, Morton, Page, Papucci, Payne, Penry, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Willis and Wren.

-40

Nay:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Carter, Collins, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Letson, Lindsey, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Petelos, Pringle, Smith, Spratt, Starkey, Vance, Venable and Warren.

-45

AMENDMENT ADOPTED

The question was then on the amendment #9 offered by Representative Hammett to the bill, H. 135, as amended, and the amendment #9 was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-84

AMENDMENT OFFERED

Representative Hammett offered the following amendment #10 to the bill, H. 135, as amended:

Amend House Bill 135 on page 61, line 19 by deleting "36-25-1(28)b." and inserting in lieu thereof "36-25-1(30)b.".

AMENDMENT ADOPTED

And the amendment #10 was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

AMENDMENT OFFERED

Representative Hammett offered the following amendment #11 to the bill, H. 135, as amended:

On page 62, line 16, delete the language "24-hour period" and insert in lieu thereof: calendar day

AMENDMENT ADOPTED

And the amendment #11 was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-82

AMENDMENT OFFERED

Representative Hammett offered the following amendment #12 to the bill, H. 135, as amended:

Amend H.B. 135, page 64, subsection (b), line 1, after the word "lobbyist" by striking the following language: or principal

AMENDMENT ADOPTED

And the amendment #12 was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

AMENDMENT OFFERED

Representative Hammett offered the following amendment #13 to the bill, H. 135, as amended:

Amend H. 135, page 67, subsection (4), line 26, after the word "misdemeanor" and before the period, by inserting the following language: and shall be liable for the actual legal expenses incurred by the respondent against whom the false report or complaint was filed

AMENDMENT ADOPTED

And the amendment #13 was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-84

AMENDMENT OFFERED

Representative Holmes offered the following amendment #1 to the bill, H. 135, as amended:

On page 37, line 8, delete the figure "12" and insert in lieu thereof: 3

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #1 offered by Representative Holmes to the bill, H. 135, as amended, was tabled.

Yeas 61; Nays 21.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McKee, McMillan, Millican, Moore, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White and Wren.

-61

Nay:

Representatives Bandy, Black (L), Boyd, Burke, Buskey, Clark (W), Drake, Hall (A), Hayden, Hilliard, Holmes, Houston, Jackson, Mitchell, Morrow, Parker (P), Rogers (J), Sanderford, Smith, Venable and Willis.

-21

AMENDMENT OFFERED

Representative Holmes offered the following amendment #2 to the bill, H. 135, as amended:

On page 7, after line 10, insert the following language as a new Section 1 and renumber subsequent sections accordingly:

Section 1. (a) Notwithstanding any other provision of law, no candidate for a local or district election shall solicit or accept any contribution in excess of two thousand dollars (\$2,000) from any one individual, corporation, association, lobbyist, political organization, or any other entity for any specific election.

(b) Notwithstanding any other provision of law, no candidate for a state election shall solicit or accept any contribution in excess of six thousand dollars (\$6,000) from any one individual, corporation, association, lobbyist, political organization, or any other entity for any specific election.

(c) For purposes of this section "specific election" means any primary, run-off, and general election held in any one year.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Holmes to the bill, H. 135, as amended, was tabled.

Yeas 54; Nays 33.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McMillan, Moore, Morton, Murphree, Page, Papucci, Parker (T), Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, White and Wren.

-54

Nay:

Representatives Baker, Burke, Carns, Clark (W), Clouse, Drake, Hamilton, Hilliard, Holmes, Houston, Johnson (R), Kennedy, Knight (J), McClammy, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Newton (C), Newton (D), Parker (P), Payne, Rogers (J), Seibenhener, Sims, Smith, Starkey, Venable, Warren and Willis.

-33

AMENDMENT OFFERED

Representative Holmes offered the following amendment #3 to the bill, H. 135, as amended:

On page 38, after line 21, insert the following language:

(e) Notwithstanding any other provision of law, the Speaker of the House of Representatives is hereby prohibited from making any contributions to the campaign of any Member of the House of Representatives.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #3 offered by Representative Holmes to the bill, H. 135, as amended, was tabled.

Yeas 66; Nays 15.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan,

Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Warren, Willis and Wren.

-66

Nay:

Representatives Bandy, Burke, Buskey, Hayden, Hilliard, Holmes, Houston, Letson, McKee, Minnifield, Mitchell, Morrow, Parker (P), Payne and Rogers (J).

-15

AMENDMENT OFFERED

Representative Holmes offered the following amendment #4 to the bill, H. 135, as amended:

On page 62, after line 20, insert the following language:

(c) Notwithstanding any other provision of law, any person deemed a lobbyist pursuant to this chapter is hereby prohibited from expending any funds for the purchase of food or alcoholic beverages for Members of the Legislature.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #4 offered by Representative Holmes to the bill, H. 135, as amended, was tabled.

Yeas 57; Nays 30.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McMillan, Moore, Morrison, Morton, Murphree, Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, White, Willis and Wren.

-57

Nay:

Representatives Baker, Bandy, Boyd, Burke, Buskey, Clark (W), Dolbare, Drake, Flowers, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Letson, McClammy, McKee, Minnifield, Mitchell, Morrow, Newton (C), Parker (P), Petelos, Seibenhener, Smith, Venable and Warren.

-30

AMENDMENT OFFERED

Representative McMillan offered the following amendment to the bill, H. 135, as amended:

On page 13, after line 20, insert the following language: 5. An employee, a paid consultant, or a member of the staff of a lobbyist, whether or not he or she is paid, who regularly communicates with members of a legislative body regarding pending legislation and other matters while the legislative body is in session.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

-82

AMENDMENT OFFERED

Representative Payne offered the following amendment #1 to the bill, H. 135, as amended:

Amend House Bill 135 on page 71 by deleting lines 22 and 23 in their entirety and inserting in lieu thereof the following: "The legislature shall appropriate such sums as it deems necessary to implement the provisions of and administer".

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-92

AMENDMENT OFFERED

Representative Payne offered the following amendment #2 to the bill, H. 135, as amended:

Amend House Bill 135 on page 39, lines 2 and 6 before the period "." by inserting the following: "for the purpose of influencing official action".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare,

Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

AMENDMENT OFFERED

Representative Payne offered the following amendment #3 to the bill, H. 135, as amended:

Amend House Bill 135 on page 33, line 19 by adding the following language: "If the respondent is a public official or public employee, the Attorney General shall, if requested by that official or employee, provide legal counsel for the respondent if the complaint relates to the public official's or public employee's official public duties."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #3 offered by Representative Payne to the bill, H. 135, as amended, was tabled.

Yeas 71; Nays 18.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-71

Nay:

Representatives Boyd, Buskey, Carns, Clouse, Drake, Hamilton, Hilliard, Jorgensen, Kennedy, Minnifield, Mitchell, Moore, Newton (D), Payne, Penry, Sanderford, Spratt and Townsend.

-18

AMENDMENT OFFERED

Representative Payne offered the following amendment #4 to the bill, H. 135, as amended:

Amend House Bill 135 on page 25, line 16 after the word "appointees" by inserting the following language:
"pursuant to Section 36-6-6, Code of Alabama, 1975, as amended".

AMENDMENT ADOPTED

And the amendment #4 was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representative Curry.

AMENDMENT OFFERED

Representative Payne offered the following amendment #5 to the bill, H. 135, as amended:

Amend House Bill 135 on page 19, line 11 by deleting the word "personal".

Further amend on page 19, line 14 by adding the following: "Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of a gift made to a public official or public employee from a friend who is not a principal, lobbyist, or another public official or another public employee."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #5 offered by Representative Payne to the bill, H. 135, as amended, was tabled.

Yeas 67; Nays 14.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren and Wren.

-67

Nay:

Representatives Bandy, Black (L), Buskey, Flowers, Guin, Hamilton, Hayden, Minnifield, Mitchell, Newton (D), Payne, Sanderford, Townsend and Willis.

-14

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hawkins intended to vote "Yea" on the motion offered by Representative Hammett to table the amendment #5 offered by Representative Payne to the bill, H. 135, as amended.

AMENDMENT OFFERED

Representative Payne offered the following amendment #6 to the bill, H. 135, as amended:

To amend H. 135 on page 10 by striking line 7 in its entirety and inserting in lieu thereof the following: "b. a nonpecuniary award"

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #6 offered by Representative Payne to the bill, H. 135, as amended, was tabled.

Yeas 78; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-78

Nay:

Representatives McMillan, Payne and Townsend.

- 3

AMENDMENT OFFERED

Representative Sanderson offered the following amendment #1 to the bill, H. 135, as amended:

On page 40, lines 19 through 26, and on page 41, lines 1 through 17, delete the language "(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a ~~state, county or municipal~~ regulatory board or commission or other body that regulates any business with which ~~he~~ the person is associated. ~~Nothing herein shall prohibit~~ Notwithstanding the foregoing, real estate brokers, agents, developers, appraisers, mortgage bankers, or other person

in the real estate field, or other state-licensed professionals, are not prohibited from serving on any planning boards board or commissions commission, housing authorities authority, zoning board, board of adjustment, code enforcement board, industrial board, utilities board, or state board or commission."

"(b) ~~All county or municipal regulatory boards, authorities or commissions~~ Regulatory bodies currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate industry may allow ~~these~~ those individuals to continue to serve out their current ~~term~~ terms if appointed before December 31, 1991, ~~except that at~~ At the conclusion of such the current term, subsequent appointments shall reflect that ~~the~~ the membership of real estate brokers and agents ~~on the board~~ on the board shall not exceed more than one less of a majority of ~~any county or municipal regulatory~~ the board or commission. The aforementioned limitation shall become effective January 1, 1994." and insert in lieu thereof:

(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county, or municipal regulatory board or commission or other body that regulates any business with which he is associated. Nothing herein shall prohibit real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate field, or other state-licensed professionals, from serving on any planning boards or commissions, housing authorities, zoning board, board of adjustment, code enforcement board, industrial board, utilities board, state board, or commission.

(b) All county or municipal regulatory boards, authorities, or commissions currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate industry may allow these individuals to continue to serve out their current term if appointed before December 31, 1991, except that at the conclusion of such term subsequent appointments shall reflect that membership of real estate brokers and agents shall not exceed more than one less of a majority of any county or municipal regulatory board or commission effective January 1, 1994.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J),

Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-84

AMENDMENT OFFERED

Representative Sanderson offered the following amendment #2 to the bill, H. 135, as amended:

On page 48, lines 6 to 26, inclusive, delete all the language.

On page 49, lines 1 to 26, inclusive, delete all the language.

On page 50, lines 1 to 26, inclusive, delete all the language.

On page 51, lines 1 to 26, inclusive, delete all the language.

On page 52, lines 1 to 26, inclusive, delete all the language.

On page 53, lines 1 to 26, inclusive, delete all the language.

On page 54, line 1, delete the following language: ~~reporting year.~~

On page 48, after line 5, insert the following language:

"(1) Name, residential address, business; name and address of living spouse, minor and dependent children, adult children, parents, brothers and sisters, and to the best of his knowledge the principal occupation of each of these persons;

"(2) A list of occupation(s) to which one third or more of working time was given during previous reporting year by the filing official or employee and spouse;

"(3) A listing of total combined family income of the public official or employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions and other compensation from any business doing business in Alabama and listing the names of each business and the income derived from such business in the following categorical amounts: less than \$1,000.00; at least \$1,000.00 and less than \$10,000.00; \$10,000.00 or more; further, the person reporting shall name any business or subsidiary thereof in which he or his spouse or dependents, jointly or severally, own one tenth or more of the stock or in which he or his spouse serves as an officer, director, trustee or consultant where such service provides income of more than \$1,000.00 for the reporting period;

"(4) If the filing public official or employee, or his spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical or health related, real estate, banking, insurance, educational, farming, engineering, architectural management or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil and/or gas exploration companies, oil and gas retail companies, banks, savings and loan associations, loan and/or finance companies, manufacturing firms, mining companies, life insurance companies, casualty insurance companies and other insurance companies, retail companies, beer, wine and/or liquor companies or distributors, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: less than \$1,000.00; more than \$1,000.00 but less than \$10,000.00; \$10,000.00 or above;

"(5) If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: less than \$1,250.00; \$1,250.00 or more;

"(6) If real estate that is held for investment or is revenue producing is held by a public official, his spouse or dependents, then a listing thereof by the following categories of fair market value: under \$50,000.00; at least \$50,000.00 but less than \$250,000.00; \$250,000.00 or more; and the following categories of annual gross rent and lease income on real estate: less than \$10,000.00; at least \$10,000.00 and less than \$50,000.00; \$50,000.00 or more. Furthermore, if a public official or a business in which he is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission;

"(7) A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: Banks, savings and loan associations, insurance companies, mortgage firms and stockbrokers (the commission shall add additional categories as it deems necessary); and the indebtedness to combined organizations in each category in amounts as follows: Less than \$25,000.00; \$25,000.00 but less than \$50,000.00; \$50,000.00 but less than \$100,000.00; \$100,000.00 or more. Indebtedness associated with the homestead of the person filing is exempted from this disclosure requirement. Filing required by this section shall reflect information and facts in existence at the end of the reporting year. In the event that said information required herein is not filed as required, the commission shall notify the public official or employee concerned as to his failure to so file and the public official shall have 10 days to file said report after receipt of said notification.

"(b) After the original filing of the above prescribed statement(s), each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. Filings required by subdivisions (5), (6) and (7) of subsection (a) of this section shall reflect information and facts in existence at the end of the reporting year.

"(c) Upon written request of the commission a more detailed statement shall be filed. The commission shall develop a form which contains additional categories as deemed relevant or necessary by the commission. The information contained in a statement filed pursuant to this subsection shall be strictly confidential and shall be protected by and subject to the same restrictions relating to secrecy and nondisclosure of information, conversation, knowledge, or evidence pursuant to Sections 12-16-214 to 12-16-216, inclusive."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Sanderson to the bill, H. 135, as amended, was tabled.

Yeas 43; Nays 38.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carothers, Carter, Clark (W), Dolbare, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Knight (J), Lindsey, McClammy, McKee, Melton, Millican, Morrow, Murphree, Newton (C), Page, Parker (P), Pringle, Spratt, Starkey, Turner, Turnham, Vance, Venable, Warren and Willis.

-43

Nay:

Representatives Carns, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Hall (A), Hamilton, Haney, Hill, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, McDaniel, McMillan, Minnifield, Moore, Morton, Papucci, Parker (T), Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend and Wren.

-38

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hawkins intended to vote "Yea" on the motion offered by Representative Hammett to table the amendment #2 offered by Representative Sanderson to the bill, H. 135, as amended.

AMENDMENT OFFERED

Representative White offered the following amendment to the bill, H. 135, as amended:

On page 37, line 13, after the period, insert the following language: Notwithstanding the foregoing, a candidate, public official, or principal campaign committee may accept campaign contributions at any time when the balance of campaign funds on hand from contributions does not exceed two thousand dollars (\$2,000) as long as not more than one thousand dollars (\$1,000) in campaign contributions is accepted in any calendar year of the three years immediately following the last general election.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 51; Nays 22.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Carothers, Carter, Collins, Crigler, Dolbare, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hogan, Houston, Johnson (E), Jorgensen, Laird, Layson, Letson, Lindsey, McDaniel, McMillan, Minnifield, Morrison, Morrow, Murphree, Papucci, Parker (T), Penry, Rogers (J), Sanderford, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, White and Willis.

-51

Nay:

Representatives Carns, Clouse, Curry, Gaines, Hamilton, Hammett, Hawkins, Hill, Johnson (R), Knight (A), McKee, Millican, Morton, Newton (C), Parker (P), Payne, Rogers (M), Sims, Smith, Townsend, Venable and Wren.

-22

AMENDMENT OFFERED

Representative Reed offered the following amendment to the bill, H. 135, as amended:

On page 54, line 5, after the period insert the following language: Any person who unintentionally neglects to include any information relating to the financial disclosure filing requirements of this chapter shall have 90 days to file an amended statement of economic interests without penalty.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

Nay:

Representative McKee.

- 1

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 135, as amended:

To amend H. 135 on page 37 by striking lines 7 through 13 in their entirety and inserting in lieu thereof the following: "a candidate, public official, or principal campaign committee may not accept, solicit, or receive contributions more than 12 months before an election in which the person intends to be a candidate. The candidate may also solicit contributions for a period of 120 days after the election in which the person was a candidate, but only to the extent of any campaign debt of the candidate or the principal campaign committee of the candidate as indicated on campaign financial disclosure form."

Further amend the bill on page 37 line 6 by striking the period and adding the following: "; in addition,"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-81

AMENDMENT OFFERED

Representative Black (M) offered the following amendment to the bill, H. 135, as amended:

Amend House Bill 135 on page 30 by deleting line 15 in its entirety and inserting the following in lieu thereof: "circumstance. The commission may".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White and Willis.

-79

AMENDMENT OFFERED

Representative Petelos offered the following amendment #1 to the bill, H. 135, as amended:

On page 15, line 24, after the period, insert the following language: Additionally for purposes of this chapter, a public employee does not include a person who is licensed by the Board of Nursing who is employed by a hospital which is affiliated with a state-supported university in Alabama.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #1 offered by Representative Petelos to the bill, H. 135, as amended, was tabled.

Yeas 50; Nays 27.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Laird, Lindsey, McDaniel, McKee, Melton, Millican, Morrison, Newton (C), Page, Parker (P), Parker (T), Pringle, Seibenhener, Smith, Spratt, Starkey, Turner and Venable.

-50

Nay:

Representatives Buskey, Gaines, Hall (A), Hamilton, Hawkins, Hill, Houston, Knight (A), McMillan, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (D), Papucci, Payne, Penry, Petelos, Robinson, Sanderford, Sanderson, Sims, Thomas (D), Townsend, Warren and Willis.

-27

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 135, as amended:

To amend H. 135 on page 23 by adding after line 19 the following:

"Beginning with the first vacancy on the Ethics Commission after the effective date of this act, if there is not a black member serving on the commission, that vacancy shall be filled by a black appointee. Any vacancy

3rd Day

thereafter occurring on the commission, shall also be filled by a black appointee if there is no black member serving on the commission at that time."

Further amend the bill on page 2 line 15 by adding after the word "Commission;" the following: Provide for a black appointee to the commission;"

Further amend the bill on page 5, line 25 by adding after the word "commission;" the following:

"Provide for a black appointee to the commission;"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 11.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Dolbare, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Smith, Spratt, Townsend, Vance, Warren and Willis.

-64

Nay:

Representatives Box, Crigler, Gaines, Jorgensen, Knight (A), McKee, Papucci, Sanderford, Sims, Thomas (D) and Turner.

-11

AMENDMENT OFFERED

Representative Penry offered the following amendment #1 to the bill, H. 135, as amended:

On page 36, line 18, insert the following language:

(g) No public official or public employee shall hold two offices of profit at one and the same time under the state. No public official or public employee shall receive two or more salaries, expense allowances, or other compensation when the salary, expense allowance, or other compensation is paid or payable from public funds. Any retirement income shall be exempt from the term compensation as used in this subsection.

MOTION TO TABLE LOST

The motion offered by Representative Hammett to table the amendment #1 offered by Representative Penry to the bill, H. 135, as amended, was lost.

Yeas 43; Nays 44.

Yea:

Mr. Speaker, Bandy, Black (L), Boyd, Carothers, Carter, Clark (W), Dolbare, Drake, Dukes, Ford, Galliher, Graham, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Knight (J), Lindsey, Maull, McAdory, Melton, Minnifield, Morrison, Murphree, Newton (D), Page, Parker (P), Reed, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance and Willis.

-43

Nay:

Representatives Box, Burke, Carns, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Guin, Hall (A), Haney, Hawkins, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, McDaniel, McKee, McMillan, Mitchell, Moore, Morrow, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, White and Wren.

-44

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #1 offered by Representative Penry to the bill, H. 135, as amended, was tabled.

Yeas 47; Nays 38.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Carns, Carothers, Carter, Clark (W), Dolbare, Drake, Dukes, Ford, Galliher, Graham, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, Melton, Minnifield, Morrison, Murphree, Newton (D), Page, Parker (P), Rogers (J), Smith, Spratt, Starkey, Turnham, Vance and Willis.

-47

Nay:

Representatives Box, Burke, Clouse, Crigler, Curry, Dean, Flowers, Gaines, Gipson, Hall (A), Haney, Johnson (E), Jorgensen, Knight (A), Layson, McMillan, Moore, Morrow, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Warren, White and Wren.

-38

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Guin intended to vote "Yea" on the motion offered by Representative Hammett to table the amendment #1 offered by Representative Penry to the bill, H. 135, as amended.

AMENDMENT OFFERED

Representative Penry offered the following amendment #2 to the bill, H. 135, as amended:

On page 9, line 25, delete the word "materially"

On page 10, lines 1 to 4, inclusive, delete the language "in a manner different from the manner it affects the other members of the class to which he or she belongs."

On page 35, line 11, after the period insert the following language: A member of a legislative body shall not vote on any legislation or matter which directly affects the public or private entity which employs the member nor shall a member of a legislative body vote on any legislation or matter which directly affects the income or employment of the member.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Penry to the bill, H. 135, as amended, was tabled.

Yeas 56; Nays 30.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Carothers, Carter, Clark (W), Collins, Dolbare, Dukes, Ford, Galliher, Gipson, Graham, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, Melton, Morrison, Morton, Murphree, Page, Parker (P), Reed, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable and Willis.

-56

Nay:

Representatives Box, Burke, Clouse, Curry, Dean, Drake, Flowers, Guin, Hall (A), Haney, McKee, McMillan, Mitchell, Moore, Morrow, Newton (C), Papucci, Parker (T), Payne, Penry, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Warren and White.

-30

AMENDMENT OFFERED

Representative Haney offered the following amendment to the bill, H. 135, as amended:

Amend House Bill 135 on page 49 by deleting lines 3-14 in their entirety and inserting in lieu thereof: "dollars (\$1,000) and less than twenty-five thousand dollars (\$25,000) or more. ~~further, the~~ The person reporting shall".

Further amend on page 51 by deleting lines 23-26 and on page 52 by deleting lines 1-4 in their entirety and inserting in lieu thereof: "least \$50,000.00 fifty thousand dollars (\$50,000) but less than \$250,000.00 two hundred fifty thousand dollars (\$250,000); \$250,000.00 two hundred fifty thousand dollars (\$250,000) or more."

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Haney to the bill, H. 135, as amended, was tabled.

Yeas 45; Nays 38.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clark (W), Collins, Dolbare, Dukes, Ford, Galliher, Gipson, Graham, Guin, Hammett, Hawk, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Laird, Lindsey, Maull, McAdory, Melton, Millican, Morrison, Murphree, Page, Parker (P), Reed, Smith, Spratt, Starkey, Turnham, Vance, Venable and Willis.

-45

Nay:

Representatives Carns, Clouse, Crigler, Curry, Drake, Flowers, Gaines, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Jorgensen, Kennedy, Knight (A), Letson, McDaniel, McKee, McMillan, Minnifield, Moore, Morrow, Morton, Newton (C), Papucci, Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Thomas (D), Townsend, Turner and Wren.

-38

AMENDMENT OFFERED

Representative Buskey offered the following amendment to the bill, H. 135, as amended:

On page 26, lines 21 to 26, inclusive, delete the following language: The legal counsel shall be commissioned as an Assistant or Deputy Attorney General and shall, in addition to the powers and duties herein conferred, have the authority and duties of an Assistant or Deputy Attorney General, except, that his or her entire time shall be devoted to the commission.

On page 70, on lines 2 to 8, inclusive, delete all the language and insert in lieu thereof: General.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

Nay:

Representative Sanderson.

- 1

AMENDMENT OFFERED

Representative Petelos offered the following amendment #2 to the bill, H. 135, as amended:

To amend the bill on page 46 line 2 by striking "annually" and inserting in lieu thereof the following: "annual base salary"

Further amend the bill on page 47, line 22 by striking "per year" and inserting in lieu thereof the following: "annual base salary"

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Petelos to the bill, H. 135, as amended, was tabled.

Yeas 55; Nays 22.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Burke, Carothers, Carter, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard,

3rd Day

Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Morrison, Newton (C), Newton (D), Page, Parker (P), Parker (T), Reed, Rogers (M), Smith, Spratt, Turnham, Vance, White and Willis.

-55

Nay:

Representatives Carns, Clouse, Crigler, Gaines, Hall (A), Jorgensen, McKee, Moore, Morrow, Murphree, Papucci, Payne, Penry, Petelos, Robinson, Sanderford, Sanderson, Sims, Thomas (D), Townsend, Turner and Warren.

-22

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment #1 to the bill, H. 135, as amended:

On page 48, line 12, delete the word "Certain" and insert in lieu thereof: Undercover

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-89

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment #2 to the bill, H. 135, as amended:

On page 62, lines 4 and 5, delete the following: or members of the household of such

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 86; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-86

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment #3 to the bill, H. 135, as amended:

On page 64, lines 3 and 4, delete the following: or a contribution to an inaugural or transition fund

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 82; Nays 7.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren and Willis.

-82

Nay:

Representatives Clouse, Gaines, Moore, Morton, Sanderson, Seibenhener and Thomas (D).

- 7

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment #4 to the bill, H. 135, as amended:

On page 44, lines 13 to 16, inclusive, delete all the language.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #4 offered by Representative Knight (J) to the bill, H. 135, as amended, was tabled.

Yeas 45; Nays 30.

Yea:

Representatives Allen, Black (M), Boyd, Burke, Carns, Carter, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hill, Houston, Knight (A), Laird, Lindsey, McAdory, Minnifield, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Petelos, Pringle, Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Vance, Willis and Wren.

-45

Nay:

Representatives Baker, Bandy, Black (L), Carothers, Clouse, Dolbare, Flowers, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Knight (J), McClammy, McKee, Melton, Millican, Moore, Morrow, Payne, Reed, Rogers (J), Spratt, Starkey, Turnham and White.

-30

AMENDMENT OFFERED

Representative Ford offered the following amendment to the bill, H. 135, as amended:

On page 33, line 4, after the period, insert the following language: If a complaint is initiated without substantial justification as determined by the commission, the complainant shall pay within 120 days of the determination all expenses incurred by the respondent, including, but not limited to, attorney's fees and loss of wages. As used herein, the term "without substantial justification" means a complaint which is frivolous, groundless in fact or law, vexatious, or interposed for any improper purpose.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Ford to the bill, H. 135, as amended, was tabled.

Yeas 42; Nays 32.

Yea:

Representatives Black (M), Carns, Collins, Crigler, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hinshaw, Houston, Johnson (R), Laird, Layson, Lindsey, McAdory, McKee, McMillan, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Sims, Smith, Starkey, Thomas (D), Townsend, Vance, Willis and Wren.

-42

Nay:

Representatives Baker, Black (L), Box, Buskey, Drake, Flowers, Ford, Galliher, Hall (A), Haney, Hilliard, Hogan, Holmes, Johnson (E), Jorgensen, Knight (A), Knight (J), McClammy, Melton, Minnifield, Moore, Morrison, Morrow, Murphree, Robinson, Sanderson, Seibenhener, Spratt, Turner, Turnham, Warren and White.

-32

AMENDMENT OFFERED

Representative Hall (A) offered the following amendment #1 to the bill, H. 135, as amended:

On page 26, line 2, add the following: The director may not hold an elected public office or be a candidate for a public office in this state for two years after serving as director.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #1 offered by Representative Hall (A) to the bill, H. 135, as amended, was tabled.

Yeas 59; Nays 18.

Yea:

Representatives Allen, Baker, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Pringle, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, Willis and Wren.

-59

Nay:

Representatives Black (M), Dolbare, Flowers, Guin, Hall (A), Haney, Jorgensen, Moore, Morrow, Papucci, Penry, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Turner and White.

-18

AMENDMENT OFFERED

Representative Hall (A) offered the following amendment #2 to the bill, H. 135, as amended:

On page 54, after line 5, insert the following language: (f) As an alternative to filing the statement of economic interests pursuant to this section, every person required to file such statement of economic interests may file a copy of his or her previous year's income tax return.

AMENDMENT TABLED

On motion of Representative Hammett, the amendment #2 offered by Representative Hall (A) to the bill, H. 135, as amended, was tabled.

Yeas 62; Nays 23.

Yea:

Representatives Allen, Baker, Box, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gipson, Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Morrison, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Pringle, Rogers (J), Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-62

Nay:

Representatives Black (M), Burke, Carothers, Drake, Ford, Gaston, Guin, Hall (A), Haney, Johnson (R), Letson, Millican, Minnifield, Mitchell, Morrow, Page, Papucci, Penry, Petelos, Robinson, Sanderford, Sanderson and Seibenhener.

-23

AMENDMENT OFFERED

Representative Payne offered the following amendment #7 to the bill, H. 135, as amended:

To amend H. 135 on page 15, line 5 by adding after the word "event" the following: "or functions involving constituents"

AMENDMENT ADOPTED

And the amendment #7 was adopted.

Yeas 95; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean,

Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-95

AMENDMENT OFFERED

Representative Rogers (M) offered the following amendment to the bill, H. 135, as amended:

Amend House Bill 135 on page 71 on line 6 by deleting the word "six" and inserting in lieu thereof the word "three".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 3.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-90

Nay:

Representatives Fuller, Hall (A) and Jackson.

- 3

AMENDMENT OFFERED

Representative Thomas (J) offered the following amendment to the bill, H. 135, as amended:

On page 44, line 12, delete the word "two" and insert in lieu thereof the following: one

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Thomas (J) to the bill, H. 135, as amended, was tabled.

Yeas 63; Nays 34.

Yea:

Representatives Allen, Black (M), Box, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-63

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Burke, Buskey, Carothers, Flowers, Ford, Graham, Haney, Hayden, Hilliard, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Newton (D), Petelos, Reed, Rogers (J), Sanderson, Spratt, Starkey, Thomas (J), Turner and White.

-34

And the bill:

H. 135. To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a

complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 99; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-99

Nay:

Representative Drake.

CO-SPONSOR ADDED

Representative Papucci was added as co-sponsor to the bill, H. 135, as amended.

RESOLUTIONS

The following resolution was introduced:

By Representative Thomas (J):

H.J.R. 95. MOURNING THE DEATH OF BERTHA CANNON PERRYMAN OF CAMDEN, ALABAMA.

The resolution, H.J.R. 95, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Vance:

H.R. 96. HONORING THE BARR FAMILY FOR OUTSTANDING ACCOMPLISHMENTS.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Windom:

S.J.R. 36. RECOGNIZING ALABAMA BANKERS FOR OUTSTANDING CONTRIBUTIONS TO THE ALABAMA COMMUNITY.

Also:

By Senator Windom:

S.J.R. 37. COMMENDING HOLLINGER'S ISLAND SCHOOL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 36, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 37, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Denton, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 39. COMMENDING G. MACK ROBERTS FOR OUTSTANDING SERVICE.

Also:

By Senators Smith, Dial, Butler, Amari, Mitchem, Smitherman, Waggoner, Adams, Hill, Armistead, Hale, Poole, Denton, Myers, Bedford, Dixon, Little, Barron, Biddle, Freeman, Clay, Steele, Davidson, Ghee, McClain, Bailey, Windom, and Lipscomb:

S.J.R. 40. EXPRESSING SUPPORT FOR JUDGE ROY MOORE.

Also:

By Senators Myers and Figures:

S.J.R. 41. Recognizing Mobile Area Water And Sewer Service And Designating National Drinking Water Week.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 39, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 40, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 41, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:45 P.M. on May 3, 1995.

H.J.R. 3

H.J.R. 4

H.J.R. 5

H.J.R. 2

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Hammett, the House adjourned until 10:00 o'clock a.m., Thursday, May 4, 1995.

FOURTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 4, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Bruce Word, White's Chapel Baptist Church, Gadsden, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Neil Daugherty, 5th Grade, Hollis Cross Road Elementary School, Heflin, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with.

NOTICE IN WRITING FILED

Representative Hammett filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend the House Rules as follow: Amend Rule 1, on the first line in the third paragraph after the word "are" by inserting the following: either registered lobbyist or who are employed by

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that when the hour of 12:00 o'clock Noon arrives, the House recess until 1:30 o'clock p.m. was adopted.

MOTION TO ADJOURN ADOPTED

The motion offered by Representative Hammett that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, May 9, 1995, was adopted.

LEAVE OF ABSENCE

At the request of Representative Gaines, leave of absence was granted for Representative Sanderson.

BILLS ON SECOND READING

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 55. To amend Section 32-6-291, Code of Alabama 1975, relating to the issuance of distinctive motor vehicle license plates to retired military persons, national guard retirees, and military reservists with 20 years of service, to provide that persons with 15 years of service may be issued the distinctive license plates.

S. 110. To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

S. 6. To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

H. 361. To prohibit the designing, building, or use of wooden fishing boxes with barriers spaced less than an inch apart, and would provide penalties.

H. 56. To provide that the work week of the Department of Conservation and Natural Resources would begin on Saturday of each week.

H. 360. This bill would require all commercial fishing equipment used in the waters of this state to be affixed with a tag containing the name, address, and social security number or tax identification number of the commercial fisherman, and provide for a penalty.

H. 362. To amend Section 9-11-88 of the Code of Alabama 1975, prohibiting the use of gill, trammel, or similar type net, in certain waters of the state; to prohibit the use of the devices in fresh waters impounded by the William "Bill" Dannelly Reservoir Dam; to specifically exclude the use of certain hoop nets and wooden boxes from the prohibition of similar type nets; and to provide for misdemeanor penalties for violations.

H. 363. To amend Section 9-11-235 of the Code of Alabama 1975, relating to the taking of certain animals and birds at night, so as to further provide for the penalties for violations.

H. 365. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

H. 366. To amend Section 9-11-56.2 of the Code of Alabama 1975, relating to the establishment of the annual "Free Fishing Day"; to require for the designation of two dates each calendar year.

H. 367. To amend Section 9-11-245, Code of Alabama 1975, relating to certain unlawful methods of hunting birds or animals protected by law or regulation, so as to further provide for the use of a scaffold or tree stand for gun hunting of all legal game species except wild turkey.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 138. To amend Section 34-23-33, Code of Alabama 1975, to provide further for certain prohibited acts and offenses for licensed pharmacists and the disciplinary authority of the board of pharmacy.

Representative Hall (A), Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 368. Relating to Madison County, to amend Act No. 80-277, 1980 Regular Session, as last amended by Act No. 92-522, 1992 Regular Session; to provide further for the organization and operation of the Madison County Legislative Delegation Office.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 119. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

H. 408. To amend Sections 1 and 3 of Act No. 93-379, H. 373 of the 1993 Regular Session (Acts 1993, p. 653), relating to Jackson County; providing further for certain county-owned or leased motor vehicles to be marked for identification purposes, and to provide further for the enforcement of this act.

H. 410. Relating to Franklin County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county jail in a special fund to be used by the sheriff for law enforcement purposes.

H. 411. (With Amendment): Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

H. 414. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 135. To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 135, as engrossed, was ordered sent to the Senate.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 7. VIGOROUSLY URGING THE MODIFICATION OF THE REMEDY ORDER IN THE SCHOOL EQUITY FUNDING LAWSUIT.

WHEREAS, the remedy order issued in the case of Alabama Coalition for Equity Inc. v. Folsom, as consolidated, is of earnest concern to members of the House of Representatives of the State of Alabama; and

WHEREAS, this expansive and comprehensive remedy order by a circuit court in Montgomery County judicially mandates a public school system that is performance based; and

WHEREAS, the Members of this legislative body suspect that a performance based system of education may be the equivalent of outcome based education, an educational methodology that is not acceptable to all citizens of this state; and

WHEREAS, this body believes alternative methods of educating our children in public schools should be considered and schools should be granted the opportunity to utilize more than one method of providing educational opportunities, as the schools and the parents of students deem appropriate; and

WHEREAS, the House of Representatives is fully cognizant of the powers of each branch of government and wishes to work cooperatively and constructively with the judicial department in a manner resulting in improved educational opportunities for all children; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the House of Representatives of Alabama vigorously requests the Honorable Judge Eugene Reese to modify this remedy order by omitting all requirements concerning the implementation of a performance based or outcome based method of education in the public schools of this state.

RESOLVED FURTHER, That a copy of this resolution be immediately delivered to Judge Reese so that he may be fully apprised of our concerns and expectations.

On motion of Representative Ford, the resolution, H.R. 7, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 8. VIGOROUSLY URGING THE MODIFICATION OF THE REMEDY ORDER IN THE SCHOOL EQUITY FUNDING LAWSUIT.

WHEREAS, the remedy order issued in the case of Alabama Coalition for Equity Inc. v. Folsom, as consolidated, is of earnest concern to members of the Legislature of Alabama; and

WHEREAS, this expansive and comprehensive remedy order by a circuit court in Montgomery County judicially mandates a public school system that is performance based; and

WHEREAS, the Members of this legislative body suspect that a performance based system of education may be the equivalent of outcome based education, an educational methodology that is not acceptable to all citizens of this state; and

WHEREAS, this body believes alternative methods of educating our children in public schools should be considered and schools should be granted the opportunity to utilize more than one method of providing educational opportunities, as the schools and the parents of students deem appropriate; and

WHEREAS, the Legislature is fully cognizant of the powers of each branch of government and wishes to work cooperatively and constructively with the judicial department in a manner resulting in improved educational opportunities for all children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama vigorously requests the Honorable Judge Eugene Reese to modify this remedy order by omitting all requirements concerning the implementation of a performance based or outcome based method of education in the public schools of this state.

RESOLVED FURTHER, That a copy of this resolution be immediately delivered to Judge Reese so that he may be fully apprised of our concerns and expectations.

On motion of Representative Ford, the resolution, H.J.R. 8, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 25. COMMENDING DONALD R. JORDAN AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR.

WHEREAS, it is with sincere pleasure and pride that the Alabama Legislature notes the selection of Donald R. Jordan, President of Jordan Pile Driving, Inc., as Alabama Small Business Person of the Year for 1994 by the U. S. Small Business Administration; and

WHEREAS, out of the nation's 20 million small businesses, Donald Jordan was one of the 53 top small business persons from each state and the District of Columbia, Puerto Rico, the Virgin Islands and Guam to be recently honored in Washington, D.C.; and

WHEREAS, Mr. Jordan has served as president of Jordan Pile Driving since 1977, and, under his expert leadership and management, the company has evidenced phenomenal growth and success; and

WHEREAS, founded in 1946 by H. C. "Hack" Jordan in Ozark, Jordan Pile Driving specializes in pile driving for such projects as bridges, plants, condominiums, high-rise buildings and ship docks, and is the only company in Alabama to have driven pilings for bridges in all 67 counties; and

WHEREAS, selected Small Business of the Year by the Chamber of Commerce, and recognized as one of the top 600 specialty contractors of the year in the "Engineering News Record" magazine in 1993, Jordan Pile Driving, with offices in Ozark and Mobile, employs an average of 55 people and pursues projects in six Southeastern states; and

WHEREAS, of further note, the company made headlines worldwide when it rebuilt the infamous Bayou Canot Bridge in only eight days, following the Amtrack Sunset Limited crash on September 22, 1994; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as Business Person of the Year, highest commendation and heartiest congratulations are hereby accorded Donald R. Jordan, for whom a copy of this resolution shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 25, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 54. DESIGNATING THE BEN RODGERS LEE BRIDGE IN WASHINGTON COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge over U. S. Highway 43 located in Washington County just south of the rest area, is named and designated "The Ben Rodgers Lee Bridge" in honor of famous turkey hunter, Ben Rodgers Lee.

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers, which may indicate the support of the National Wild Turkey Federation, designating "The Ben Rodgers Lee Bridge," and that a copy of this resolution be sent to the State Department of Transportation.

On motion of Representative Dolbare, the resolution, H.J.R. 54, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 55. DESIGNATING HIGHWAY 278 IN WINSTON COUNTY AS "LOONEY'S TAVERN PARKWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 278 in Winston County beginning at the Marion County line and traveling to the Cullman County line is hereby designated as "Looney's Tavern Parkway."

BE IT FURTHER RESOLVED, That the Department of Transportation shall pay for, erect, and maintain signs which show this designation.

On motion of Representative Ford, the resolution, H.J.R. 55, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 56. COMMENDING THE SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION.

WHEREAS, the Sidney Lanier High School Athletics Foundation has been established to foster closer relationships between the home, school, parents, friends of Sidney Lanier High School and coaching staff; and

WHEREAS, the Sidney Lanier High School Athletics Foundation seeks to provide funds for athletics that will ensure players have the opportunity to participate in an atmosphere conducive to the winning tradition of Sidney Lanier High School; and

WHEREAS, the Sidney Lanier High School Athletics Foundation seeks to create an attitude in Sidney Lanier student athletes that brings credit to their God, home, school and themselves through a mental and physical program that will help prepare them for their leadership roles of the future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily endorse and applaud the actions of the Sidney Lanier High School Athletics Foundation, Inc., and go on record to encourage the citizens of the State of Alabama to support the efforts of the said Foundation so that the winning tradition and excellent reputation Sidney Lanier High School deserves will continue and grow.

On motion of Representative Ford, the resolution, H.J.R. 56, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 28. PROVIDING FOR A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 4, 1995, TO OBSERVE THE 1995 NATIONAL DAY OF PRAYER.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 28.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 29. REQUESTING AND STRONGLY RECOMMENDING THE ALABAMA BUILDING RENOVATION FINANCE AUTHORITY TO PROVIDE PERMANENT SECURITY FOR ALL EXTERIOR ENTRANCES AND ACCESSES OF THE ALABAMA STATE HOUSE BUILDING.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 29.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 31. DENOUNCING THE RECENT ACT OF TERRORISM IN OKLAHOMA CITY, OKLAHOMA.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 31.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 32. COMMENDING THE LEE-SCOTT ACADEMY FOOTBALL TEAM OF AUBURN, ALABAMA, AS THE 1994 STATE CLASS 3A CHAMPIONS.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 32.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 33. HONORING THE CHIROPRACTIC PROFESSION ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 33.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 34. HONORING JACK L. WALTON FOR OUTSTANDING SERVICE.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 34.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 35. NAMING THE LYCEUM BUILDING AT NORTHEAST ALABAMA STATE COMMUNITY COLLEGE, "THE TOM BEVILL LYCEUM BUILDING."

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 35.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 61. COMMENDING THE DIRECTOR, CAST, AND CREW OF "TERROR IN THE SUBURBS."

WHEREAS, it is with great pride that the Legislature of Alabama commends the director, cast, and crew of "Terror in the Suburbs" on an outstanding overall performance; and

WHEREAS, performed at 7:00 p.m. on March 14, 1995, "Terror in the Suburbs," a merry madcap mystery, was presented by some dedicated members of the Satsuma High School Senior Class, and was a wonderful production based on the version by Frances Stuart; and

WHEREAS, the director, Mary Atchison, was the leader of a fine and talented cast and crew which consisted of Wendy Singleton, Josh Skidmore, Brian Charles, Jennifer Brown (Best Actress), Brandi Herrington, Memory Ellzey, Elizabeth McLendon, Ashley Lowe (Best Supporting Actress), Chris Key (Best Actor), Dewayne Hilliard, Eric Nelson (Best Supporting Actor), Nia Black, Lance Harbison, Brent Hart, Kristy Tarver, Chris Bowden, Chris Benoit, Matt Tate, and Carrie Cartier, all of whom deserve special credit for their enormous contributions; and

WHEREAS, the brilliant production by these devoted seniors of Satsuma High School, entertained audiences with a "potent potion" of comedy and mystery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of an outstanding performance, we hereby applaud the tremendous efforts of the director, cast, and crew of the Satsuma Senior Class play, "Terror in the Suburbs," and it is furthermore directed that copies of this resolution be provided for each contributing member as evidence of our commendation and esteem.

On motion of Representative Ford, the resolution, H.J.R. 61, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 62. HONORING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADERS FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama recognizes the 1994-95 Satsuma High School Varsity Cheerleading Squad on their appearance at the 1995 Senior Bowl in Mobile, Alabama; and

WHEREAS, chosen for the fourth time in six years, the Satsuma Cheerleading Squad was the only squad from Mobile County who received the honor of an invitation to cheer at the Senior Bowl this year; and

WHEREAS, sponsored by Donna Salter and Andrea Lomax, the members of the Satsuma Varsity Cheerleading Squad are, seniors: Wendy Singleton, Jennifer Brown, Melissa Patterson (co-captain), Nia Black (captain), Kelly Turner, Brandi Landrum, Ashley Lowe, Tara Kaeser, and Keith Dennis (mascot); juniors: Lyndsey Lomax, Summerlyn Parham, and Michelle Turner; and sophomore Sabrina Jones, all of whom deserve special recognition for their efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of outstanding accomplishment and dedication, the Alabama Legislature hereby commends and congratulates the Satsuma High School Varsity Cheerleaders on their appearance at the Senior Bowl, and it is furthermore directed that a copy of this resolution be presented to each member as evidence of our great pride and esteem.

On motion of Representative Ford, the resolution, H.J.R. 62, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 64. MOURNING THE DEATH OF GEORGE THOMAS JONES, SR., OF MOBILE, ALABAMA.

WHEREAS, on January 30, 1995, the Lord called home His faithful servant, George Thomas Jones, Sr., of Mobile, Alabama; and

WHEREAS, a native of Demopolis, Alabama, and a longtime resident of Mobile, George Thomas Jones was a dearly beloved member of his community, whose good deeds earned the admiration and respect of countless individuals whose lives were touched by his genuine care and concern; and

WHEREAS, a man of deep and abiding faith, he was a faithful and devoted member of State Street AME Zion Church, where he served as a Steward for many years, as well as in numerous other capacities; he was also a member of the Elks Lodge #244; and

WHEREAS, preceded in death by a son, George Thomas Jones, Jr., Mr. Jones is survived by his devoted wife, W. Mozell Jones; daughters, E. Olivia Jones and Jamie M. Jones; son, Reginald Jones and daughter-in-law, Cathethia; a sister, Lucy A. Banks; two grandchildren; brother-in-law, James Jack and his wife, Beatrice; a devoted cousin, Edna Mae Stallworth; and many nieces, nephews, other relatives and friends; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks to God for the life and service of George Thomas Jones, Sr., of Mobile, Alabama, and extend deepest sympathy to his beloved family, whose sorrow we truly share, and for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 64, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 65. DESIGNATING A PORTION OF U.S. 231 IN ELMORE COUNTY, AS THE "VETERANS MEMORIAL BOULEVARD."

WHEREAS, the contributions of Veterans of the U.S. Armed Forces who live in the City of Wetumpka have been ongoing, valuable, and deeply appreciated by all residents; and

WHEREAS, all of the Veterans from the Wetumpka area have been good citizens, taxpayers, and have made invaluable contributions to our community; and

WHEREAS, it is only fitting and proper that some display of our continuous gratitude be shown to the Veterans who placed their lives on the line to maintain our values and freedom, here at home and abroad; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U.S. Highway 231, in Elmore County, beginning at the northern boundary line of the Wetumpka city limits to the southern boundary line within the Wetumpka city limits, be designated as the "Veterans Memorial Boulevard."

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Mayor and City Council of the City of Wetumpka, Alabama, as evidence of our deep appreciation and gratitude for the selfless service provided by the Veterans of the Wetumpka community and that appropriate officials erect signs to reflect this designation.

On motion of Representative Ford, the resolution, H.J.R. 65, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 63. HONORING MR. KENNETH ALLEN CLEMONS ON HIS RETIREMENT.

WHEREAS, it is with great pleasure and pride that the Alabama Legislature herein extends warmest congratulations to Mr. Kenneth A. Clemons on the occasion of his retirement following thirty-two years of service to the education system of this state; and

WHEREAS, as principal of Robert C. Arthur Elementary School of Birmingham, Alabama, since it's opening in 1971, Kenneth A. Clemons has inspired, encouraged, and touched countless young people through his devotion to students, making Arthur Elementary School one of the finest in the area; and

WHEREAS, earning an Associate degree from the University of Alabama at Birmingham, and both Bachelor's and Master's degrees from Auburn University, Kenneth A. Clemons has made immeasurable contributions through his constructive influence on the children; and

WHEREAS, Kenneth Clemons also serves on the City Council of Gardendale, and is active in many professional organizations such as the National League of Cities and Alabama League of Municipalities; and

WHEREAS, holding such past positions as President of Birmingham Education Association and President of Birmingham Principals Association, Kenneth A. Clemons has been the recipient of such prestigious awards and honors as Principal of the Year in 1988, and the Distinguished Service Award from the Alabama League of Municipalities; and

WHEREAS, Kenneth A. Clemons and his wife of 33 years, Rhonda Sinyard Clemons, are the dedicated parents of three children and the proud grandparents of five; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his exemplary record and dedicated accomplishments, the Alabama Legislature hereby accords Kenneth A. Clemons highest commendation on the occasion of his retirement, and furthermore directs that a copy of this resolution be provided as evidence of our deepest gratitude and esteem.

On motion of Representative Ford, the resolution, H.J.R. 63, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 66. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

WHEREAS, the 10th Amendment of the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 1995, the states are demonstrably treated as agents of the federal government; and

WHEREAS, numerous resolutions have been forwarded to the federal government by various states without any response or result from Congress or the federal government; and

WHEREAS, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the state; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama hereby claims sovereignty under the 10th Amendment of the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

BE IT FURTHER RESOLVED, That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

RESOLVED FURTHER, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's Legislature of the United States of America, and Alabama's Congressional Delegation.

On motion of Representative Ford, the resolution, H.J.R. 66, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 71. DECLARING THAT THE FEDERAL COURTS DO NOT HAVE THE POWER TO INSTRUCT THE STATES TO LEVY OR INCREASE TAXES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby charge that neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of that state or political subdivision, to levy or increase taxes.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the members of the United States Supreme Court.

On motion of Representative Ford, the resolution, H.J.R. 71, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 72. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

WHEREAS, the 10th Amendment of the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 1995, the states are demonstrably treated as agents of the federal government; and

WHEREAS, numerous resolutions have been forwarded to the federal government by various states without any response or result from Congress or the federal government; and

WHEREAS, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

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WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the state; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama hereby claims sovereignty under the 10th Amendment of the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

BE IT FURTHER RESOLVED, That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

RESOLVED FURTHER, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's Legislature of the United States of America, and Alabama's Congressional Delegation.

On motion of Representative Knight (A), the resolution, H.J.R. 72, was adopted.

Yeas 59; Nays 19.

Yea:

Mr. Speaker, Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Payne, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Bandy, Boyd, Buskey, Clark (W), Houston, Jackson, Johnson (E), Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Parker (P), Reed, Robinson and Spratt.

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REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 73. MOURNING THE DEATH OF NANCY SUTHERLAND BOSWELL.

WHEREAS, it is with great sadness and regret that the Alabama Legislature records the death of Nancy Sutherland Boswell on March 16, 1995; and

WHEREAS, Nancy Boswell served in the Bill and Duplicating Department of the Alabama House of Representatives from February, 1985, through May, 1994, where her diligence and efficiency raised the level of professionalism of the House staff, earning Nancy widespread respect from members and co-workers alike; and

WHEREAS, Nancy Boswell was a 1944 graduate of Sidney Lanier High School in Montgomery; she attended Hollins College, Virginia, and was a graduate of the University of Alabama; and

WHEREAS, Nancy was known to all her friends and family as a gracious and generous hostess, with a keen intellect, a wry sense of humor, and stoic courage in the face of adversity; and

WHEREAS, Nancy was preceded in death by her beloved husband, Dr. Richard Boswell, and leaves behind a son, Richard Boswell, Jr., along with his wife, Ginger, and their daughter, Sarah; a son Wiely, along with his wife Pamela and their children, Starr and Sutherland; and a daughter Elizabeth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Nancy Sutherland Boswell and extend our sincere sympathy to her family.

BE IT FURTHER RESOLVED, That a copy of this resolution of deep sorrow be provided for each of Nancy's children, in order that they may know of the high esteem in which she was held.

On motion of Representative Ford, the resolution, H.J.R. 73, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 82. HONORING MR. ROBERT ABERNATHY OF MILLBROOK, ALABAMA, ON THE OCCASION OF HIS 80TH BIRTHDAY.

WHEREAS, Robert Abernathy, a highly regarded member of the Millbrook community, has marked a milestone in his life with the celebration of his 80th birthday, May 15, 1995, and is deserving of heartiest congratulations and special public recognition; and

WHEREAS, born May 15, 1915, in Coosa County, Alabama, Mr. Abernathy is a faithful and longtime member of Mt. Hebron Baptist Church; he also is the devoted father of three children and the proud grandfather of seven grandchildren and great-grandfather of eight; and

WHEREAS, Mr. Abernathy will observe another milestone in his life on November 25, 1995, when he and his wife, Louise, will celebrate their 50th Wedding Anniversary, and both are deserving of heartiest congratulations on this very special occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mr. Robert Abernathy of Millbrook, Alabama, on the momentous occasion of his 80th birthday, and do further direct that he receive a copy of this resolution, with sincere best wishes for many more years of good health and happiness in life.

On motion of Representative Ford, the resolution, H.J.R. 82, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 84. MOURNING THE DEATH OF MRS. RUBY H. CHERRY.

WHEREAS, the Legislature of Alabama hereby records with deepest sorrow and regret the death of Mrs. Ruby H. Cherry on April 8, 1995, at the age of 77 years; and

WHEREAS, born December 25, 1917, in Chambers County, the daughter of Sam Miller and Lizzie Hardnett Miller, she confessed Christ as her Savior at an early age and joined the Rehope Baptist Church; and

WHEREAS, Mrs. Cherry was later a member of Bell Missionary Baptist Church in Auburn, a church she would return to in her retirement years to serve in Christian service and as counselor for the Matron's Circle; and

WHEREAS, for some 34 years of her life, Mrs. Cherry was a prominent member of the Birmingham community and, over these years, gave generously and selflessly of her time to Trinity Baptist Church, where she served as Sunday

School teacher, as a member of numerous auxiliaries, and as a regular delegate to the State Baptist Convention and National Baptist Convention; she also played a vital role in civic affairs and was instrumental in the organization of the Birmingham Chapter of Housewives League, which she served as president; and

WHEREAS, Ruby Cherry was indeed a warm and caring lady with a heart full of love for her family and friends, and she will be sorely missed by all those whose lives were touched by her concern for their happiness and well-being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Ruby H. Cherry, and extend heartfelt sympathy to her loving daughters, Jessie Muriel Williams and Idella Dowdell; a devoted son, Robert James Richardson; to her fifteen grandchildren and nineteen great-grandchildren; and to other close family members, whose sorrow we share, and for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Ford, the resolution, H.J.R. 84, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 86. COMMEMORATING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

WHEREAS, on June 15, 1995, the National Foundation for Women Legislators, Inc. will conduct a twenty-state celebration teleconference to commemorate the 100th anniversary of women in state legislatures, and to honor those women who currently serve or have formerly served as legislators; and

WHEREAS, on this momentous occasion, we find it appropriate and fitting to pay tribute to those women, now deceased, who served the citizens of Alabama as legislators of this state, and whose immeasurable contributions and dedicated service will serve as an example to women of the future; and

WHEREAS, these women, whose devotion to unheralded duty earned the respect and admiration of the countless individuals they have touched are: Hattie Hooker Wilkins (1922-1926, the first female legislator to serve in Alabama), Sibyl Poole (1939-1947), Clara Stone Collins Fields (1962-1970), Retha Deal Wynot (1970-1974), and June Bugg (1983-1993); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the celebration of 100 years of

women in state legislatures, we hereby commemorate the service of those women who formerly served the Alabama Legislature and furthermore express sincerest gratitude for their distinguished service.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for the families of each of the above-named women and the National Foundation for Women Legislators, Inc. as evidence of our highest esteem.

On motion of Representative Ford, the resolution, H.J.R. 86, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 87. HONORING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

WHEREAS, on June 15, 1995, the National Foundation for Women Legislators, Inc. will conduct a twenty-state celebration teleconference to recognize the 100th anniversary of women in state legislatures, and to pay tribute to those women who serve or have formerly served as state legislators; and

WHEREAS, on this momentous occasion, the Legislature of Alabama finds an opportunity to honor and commend those women whose service to the citizens of Alabama as a legislator exemplify the highest standards of professionalism and moral value; and

WHEREAS, these women who have provided valuable knowledge, vital expertise, and devoted leadership for the State of Alabama are: Kiley T. Berryman (1969-1970), Marilyn Quarles (1974-1978), Ann Bedsole (House of Representatives 1978-1982; Senate 1982-1994), Martha Jo Smith (1978-1982), Louphenia Thomas (1978-1979), Shelby Dean Ward (1978-1982), Mary S. Zoghby (1978-1994), Yvonne Kennedy (1979-present), Sundra Escott-Russell (House of Representatives 1981-1994; Senate 1994-present), Patricia Davis (1982-1983; 1986-1989), Jarushia Thornton (1982-1983), Bobbie G. McDowell (1983-1994), Beth Marietta-Lyons (1983-1990), Sister Strong (1983-1986), Jane Gullatt (1989-1994), Lois Rockhold (1990-1994), Laura Hall (1993-present), Barbara Bigsby Boyd (1994-present), and Betty Carol Graham (1994-present); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the celebration of 100 years of women in state legislatures, we hereby extend warmest congratulations and sincerest appreciation to those women who served or are currently serving as legislators of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for each of the above-named women and the National Foundation for Women Legislators, Inc. as evidence of our highest esteem.

On motion of Representative Ford, the resolution, H.J.R. 87, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 88. COMMEMORATING THE SERVICE OF MRS. JUNE BUGG.

WHEREAS, on June 15, 1995, the National Foundation for Women Legislators, Inc. will conduct a twenty-state celebration teleconference to commemorate the 100th anniversary of women in state legislatures, and to honor those women who currently serve or have formerly served as legislators; and

WHEREAS, on this momentous occasion, we find it appropriate and fitting to record and honor the service of Mrs. June Bugg of Gadsden, Alabama, who served as the devoted woman legislator of District 29 of the Alabama Legislature, until her lamentous death on May 18, 1993; and

WHEREAS, a distinguished Alabamian, June Bugg was highly respected and admired by her colleagues, and was unequivocal in her convictions; she emphasized the importance of the education of our youth, the value of the arts in society, and other notable areas of consequence to the benefit of Alabamians; and

WHEREAS, a staunch advocate, Mrs. Bugg was a faithful member of the First United Church of Gadsden, Alabama, and a woman whose genuine care and concern made a lasting impression on all with whom she associated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commemorate the devoted service of June Bugg to the Alabama Legislature, on the glorious occasion of the celebration teleconference by the National Foundation of Women Legislators, Inc. recognizing the 100th anniversary of women in state legislatures.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the family of Mrs. Bugg and the National Foundation of Women Legislators, Inc. as evidence of our great esteem and gratitude.

On motion of Representative Ford, the resolution, H.J.R. 88, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 85. MOURNING THE DEATH OF DR. BESSIE WASHINGTON JONES OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature notes the lamentable death of Dr. Bessie Washington Jones of Huntsville, Alabama, on April 7, 1995; and

WHEREAS, Dr. Jones was a past assistant professor of English at Miles College, and then began a prestigious career at Alabama A & M University where she served as an assistant professor, associate professor, and professor of English, chairperson of the English and Foreign Language Department, vice-president for Academic Affairs, and dean of the School of Arts and Sciences; and

WHEREAS, a native of Mt. Meigs, Alabama, and daughter of Doctors D. C. and Bessie R. Washington, Dr. Jones graduated at age 15 from Cobb Avenue High School, and later received a Bachelor of Arts degree from Spelman College, a Master of Arts degree from Atlanta University, and a Ph. D degree from Peabody College at Vanderbilt University; and

WHEREAS, a member of numerous professional organizations such as the Modern Language Association, College Language Association, and the Toni Morrison Society, Dr. Bessie Jones was a well respected woman who entrenched herself in such notable activities as Girls, Inc. of Huntsville, Alpha Kappa Alpha Sorority, Inc., and the Society of Professional Women; and

WHEREAS, a published scholar and well known lecturer, Dr. Jones was a member of the Board of Directors of the Museum of Art Foundation, Alabama Humanities Foundation, and the United Way; she was furthermore recognized for her outstanding accomplishments as the recipient of the Merit Award of the National Alumnae Association of Spelman College, the She Knows Where She's Going Award from Girls, Inc. of Huntsville, and Outstanding Education of America; and

WHEREAS, Dr. Jones was a dedicated religious advocate who was a devoted member of First Missionary Baptist Church where she was involved as a member of the Trustee Board, vice-president of Missionary Circle One, a Sunday School teacher, and director of vacation bible school;

WHEREAS, Dr. Bessie Jones was indeed an exemplar of good citizenship in her service as a professional, lecturer, and leader; she is a credit to her family, community, and this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby grievously mourn the death of Dr. Bessie Washington Jones of Huntsville, Alabama, and extend our heartfelt sympathy to her husband, Dr. George E. Jones; her mother, Dr. Bessie M. R. Washington; two daughters, Attorney Jocelyn E. Jones and Gina E. Jones; one son, Glenn E. Jones; and other loving family including brothers, aunts, grandchildren, and sisters-in law.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for the family of Dr. Bessie Washington Jones, as evidence of our esteem and remembrance.

On motion of Representative Ford, the resolution, H.J.R. 85, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 94. RECOGNIZING "THANKS TO THEM" AS THE OFFICIAL SONG HONORING WORLD WAR II VETERANS FOR 1995.

WHEREAS, there are more than 200,000 veterans of World War II living in Alabama; and

WHEREAS, the Governor has designated 1995 as the 50th Commemoration Year of the Anniversary of World War II; and

WHEREAS, at a general meeting of the Alabama Department of the Veterans of Foreign Wars in Huntsville on January 28, 1995, the department adopted the song, "Thanks to Them" as the official theme song to honor Alabama's World War II veterans in 1995; and

WHEREAS, "Thanks to Them," written by VFW Member Jerry Hayes, was adopted by Post 4765, Veterans of Foreign Wars on April 13, 1995, as the official song honoring World War II veterans of Alabama in 1995; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize "Thanks to Them" as the official song honoring World War II veterans of Alabama in 1995, and hereby direct that a copy of this resolution be sent to the Commander of Post 4765, Veterans of Foreign Wars.

On motion of Representative Ford, the resolution, H.J.R. 94, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 80. URGING STATE OFFICIALS TO CORRECT THE HAZARDOUS DOUBLE BRIDGES IN CALHOUN COUNTY ON HIGHWAY 202, WEST OF ANNISTON.

WHEREAS, the double bridges on State Highway 202 in Calhoun County west of Anniston at the Coldwater Intersection are considered a major hazardous threat to the safety of motorists traveling that corridor; and

WHEREAS, since 1987, over 748 accidents have occurred with the loss of many lives on or near these bridges; and

WHEREAS, the design for replacement and improvement of these structures has been discussed and planned for years, yet no action has been taken to correct this deathtrap; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge the Governor and Director of the Department of Transportation to use every available resource to assist the Calhoun County Commission in correcting or replacing the hazardous double bridges on Highway 202 in Calhoun County, west of Anniston at the Coldwater Intersection.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Governor and the Director of the Department of Transportation.

On motion of Representative Ford, the resolution, H.R. 80, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 93. RECOGNIZING AND DECLARING NATIONAL NURSES WEEK ON MAY 6-12.

WHEREAS, it is with great pleasure and pride that the Alabama House of Representatives recognizes May 6-12, 1995, as National Nurses Week; and

WHEREAS, due to the aging population and advancements in medical technology, the services of the 2.2 million nurses in the United States are in tremendous demand; and

WHEREAS, nurses continue to play a vital role in the health care industry, by providing high quality care for our sick, injured, and elderly; and nurses have been labeled the "heart of health care" due to their everpresent concern for mankind; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That in tribute to outstanding contributions by all nurses, we hereby declare May 6-12, 1995, as National Nurses Week in the State of Alabama, in celebration of the ways in which nurses strive to provide excellent health care for all people;

BE IT FURTHER RESOLVED, That a copy of this resolution be provided as evidence of our highest regard and esteem.

On motion of Representative Ford, the resolution, H.R. 93, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Representative Ford:

H.R. 97. RULE CHANGE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the house rules be amended as follows:

Rule 25. The previous question shall be in the following form, and shall be in writing: "I move the previous question."

If demanded by a majority vote of the members present and voting, its effect shall be to cut off all debate and bring the House to a direct vote, first upon the pending substitutes and/or amendments, if there be any, in their order, and then on the main question.

If the call of the previous question is sustained, the opponents of the bill or resolution shall have the right to speak for not more than a cumulative total of ten minutes before the member having charge of the bill or resolution shall close the debate.

On motion of Representative Ford, the resolution, H.R. 97, was adopted.

Yeas 56; Nays 26.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Clouse, Collins, Dean, Flowers, Ford, Graham, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Newton (D), Page, Papucci, Parker (P), Penry, Pringle, Reed, Robinson, Seibenhener, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

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Nay:

Representatives Box, Boyd, Crigler, Curry, Drake, Dukes, Fuller, Gaston, Guin, Hamilton, Hammett, Haney, Jackson, Johnson (R), Morton, Murphree, Newton (C), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Sims, Smith, Thomas (D) and Wren.

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Also:

By Representatives Carothers, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 98. MOURNING THE DEATH OF PATTI SUE MATHIS OF WICKSBURG, ALABAMA.

WHEREAS, it is with a deep sense of personal sadness and regret that the Legislature of Alabama records the death of Patti Sue Mathis of Wicksburg, Alabama, March 29, 1995, at the age of only 22 years; and

WHEREAS, born October 11, 1972, and a lifelong resident of Wicksburg, Miss Mathis was the daughter of Sue S. Mathis and our dear friend and former colleague, Nathan Mathis; and

WHEREAS, Miss Mathis, who was a student at the Wallace Junior College School of Nursing at the time of her lamentable death, was a graduate of Wicksburg High School, where she was acclaimed an outstanding athlete, serving as captain of the girl's basketball team, and receiving scholarships in softball to Enterprise State and Mobile University; she was also a member of the Christian Home Church of Christ in Wicksburg; and

WHEREAS, Patti Sue Mathis was indeed a special young lady and her death has left a deep void in the life of the community, and in the hearts of all those privileged to her friendship, love and sincere concern for their happiness and well-being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Patti Sue Mathis of Wicksburg, Alabama, and extend our most heartfelt sympathy to her loving parents; to her brother, Joey Mathis, and sister-in-law, Jane Mathis; paternal grandmother, Mrs. Pauline Mathis; one niece and nephew; and other family members, whose sorrow we share, and for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carothers, the rules were suspended and the resolution, H.J.R. 98, was adopted.

CO-SPONSOR ADDED

Representative Hinshaw was added as co-sponsor to the bill, H. 135, as amended.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Hinshaw, Hall (A) and Hall (L):

H.R. 99. MOURNING THE DEATH OF MS. JENNIE BLAIR OF HUNTSVILLE, ALABAMA.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Johnson (R):

H. 431. Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

COMMITTEE ON HIGHWAY SAFETY

By Representative Dolbare (With Notice and Proof):

H. 432. Relating to Washington County; providing for the assessment of an additional fee on all documents submitted for recording in the Probate Court which are subject to a deed or mortgage tax; and providing for the deposit of the funds into the Washington County General Fund on a monthly basis to be used for general county purposes including, but not limited to, computerization of county courthouse functions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 432, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (M):

H. 433. Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Lindsey:

H. 434. To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative McKee:

H. 435. To provide for the suspension or revocation of professional, occupational, business, drivers, and recreational licenses for the failure to pay support, and to establish criteria for reissuing such licenses.

COMMITTEE ON STATE ADMINISTRATION

By Representative Carns:

H. 436. To establish the Alabama Small Business Research Development Program within the Alabama Department of Economics and Community Affairs and to make an appropriation to the program.

COMMITTEE ON WAYS AND MEANS

By Representatives Letson, Guin, Morrow, Hill, Page, Carothers, Allen, Turner, Jorgensen, Hooper, Dean, Clark (J), Ford, Petelos, Fuller, Galliher, White, Box, Johnson (E), Morrison, Curry, McDaniel, Dukes, Papucci, Hinshaw, Thomas (D), Gipson, McAdory, Hall (A), Robinson, Melton, Graham, Dolbare, Knight (A), Venable, Hammett, Hamilton, Willis, Sanderson, Carter, Burke, Turnham, Flowers, Gaston, McMillan, Millican, Laird, Seibenhener, Baker, Moore, Clouse, Collins, Layson, Payne, Rogers (J), Houston, Lindsey, Black (M), and Smith:

H. 437. To amend Section 12-15-34 of the Code of Alabama 1975, relating to transfer of cases from juvenile court to criminal court, to provide that any person under the age of 14 years who is charged with the commission of an offense that would constitute a capital offense if committed by an adult may be transferred to criminal court for criminal prosecution as an adult; and to provide for penalties upon conviction.

COMMITTEE ON JUDICIARY

By Representatives Hooper, Carter, Clark (J), Turner, Jorgensen, Dukes, Sanderford, Graham, Carns, Townsend, Hinshaw, Papucci, Haney, Gipson, Robinson, Melton, Laird, Burke, McKee, Guin, Sims, Seibenhener, Moore, McMillan, Parker (T), Newton (C), Venable, Hammett, Flowers, White, Box, Maull, Boyd, Crigler, Baker, Wren, Hamilton, Carothers, Johnson (E), Clouse, and Houston:

H. 438. To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to

receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the sum of the capital credits authorized by this act and certain other tax and other incentives offered by the state and certain local entities shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that the provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for those new projects.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representatives Knight (A), Flowers, Petelos, Carter, Burke, White, Gaston, Hall (A), Sanderson, Carns, Gaines, Hill, Seibenhener, McMillan, Papucci, Dean, Warren, Willis, Townsend, Clark (W), Jackson, Wren, Hogan, Starkey, Laird, Moore, Baker, Parker (P), Buskey, Hilliard, Hawkins, Kennedy, and Rogers (J):

H. 439. To encourage compliance audits by creating a limited compliance audit privilege; and to provide for the use of the compliance audit privilege.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Letson, Hinshaw, Allen, and Haney:

H. 440. Relating to motor vehicles; to provide for the regulation of window tinting of motor vehicles; to provide definitions; to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for certain exceptions and for medical exemptions; to provide for the approval by the Department of Public Safety of material and glazing used for the window tinting of motor vehicles in this state; to provide for labels on windshields

and windows under certain conditions; and to provide penalties for violations of this act.

COMMITTEE ON JUDICIARY

By Representatives Hooper, Carter, Clark (J), Turner, Jorgensen, Dukes, Sanderford, Graham, Hinshaw, Papucci, Haney, Gipson, Robinson, Melton, Laird, Burke, McKee, Guin, Sims, Seibenhener, McMillan, Parker (T), Newton (C), White, Maull, Wren, Houston, Venable, Hammett, Flowers, Box, Boyd, Crigler, Baker, Hamilton, Carothers, Johnson (E), and Clouse:

H. 441. To clarify the provisions of Article 2A of Chapter 10 of Title 41 of the Code of Alabama 1975, by adding a Section 41-10-44.16 thereto providing that the members, owners, or partners of an approved company which is a limited liability company or a partnership shall be entitled to receive the credit against Alabama corporate income tax liability provided by Article 2A; and to provide that the employment and capital expenditure requirements shall be applied to the project and that it shall not be a requirement that the entity which is the obligor on project obligations or which employs persons at the project be the same entity or entities which receive the credit against Alabama income tax liability.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representatives McDaniel, Hawk, McMillan, and Penry:

H. 442. To amend Section 1 of Act No. 94-694 of the 1994 Regular Session, now appearing as Section 11-47-7.1 of the Code of Alabama 1975, authorizing the municipal governing bodies individually or jointly to levy additional court costs and fees in municipal cases and providing for the distribution of the funds for jail purposes and other related purposes, to specify that the court costs and fees would be based on the court costs and fees in the district court of the county; and to provide retroactive effect.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Hooper:

H. 443. To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Burke and Clark (J):

H. 444. To provide an incentive tax credit through which a taxpayer investing in a qualified new or expanding business may reduce certain incremental tax, assessment, and fee liabilities generated by or arising out of the qualified

project; to provide that the incentive tax credit will be equal to the sum of a capital investment credit and a jobs creation credit; to provide that the incentive tax credit must first be applied to the incremental income tax liability generated by or arising out of the qualified project and then against a menu of other incremental taxes, assessments, and fees generated by or arising out of the qualified project; to provide location, industry type, minimum capital investment, minimum new employee, and minimum compensation thresholds for a qualified project; to provide that capital costs include costs incurred during the period beginning three years prior to the year in which the project is placed in service and ending six months after the project is placed in service; to provide that, notwithstanding the preceding lookback rule, that capital costs do not include costs incurred prior to January 16, 1995, except with respect to companies for which the State Industrial Development Authority passed a preliminary or inducement resolution prior January 16, 1995; to provide a capital investment credit equal to 2.75 percent of capital costs of a qualified project; to provide a jobs creation credit that increases as the total compensation paid to new employees increases; to provide special rules for the computation of the credits with respect to incremental taxes, flow-through entities, and the proportional use of menu taxes; to provide that local government units may grant certain credits and exemptions with respect to qualified projects; to provide that the Department of Revenue shall administer the new incentive tax credit program, that civil and criminal penalties applicable to taxes generally apply to the incentive tax credit granted herein, that the Taxpayers' Bill of Rights governs the administration of the incentive tax credit granted herein, that the initial start-up cost to the department of administering the new incentive tax credit program be appropriated from the general fund, and that continuing costs of administering the program be paid to the department from annual user fees collected from the reporting entities; to limit retroactively the availability of the incentives granted under Acts 93-851 and 93-852, as amended by Act 94-370, except for the companies for which the State Industrial Development Authority passed a preliminary or inducement resolution prior January 16, 1995; to provide a transition rule under which companies approved under Acts 93-851 and 93-852, as amended, may elect to receive the incentive tax credit provided herein in lieu of the tax incentives granted under Acts 93-851 and 93-852, as amended; to appropriate \$100,000 to the department for the 1996 fiscal year and \$500,000 for the 1997 fiscal year; to amend Section 4 of Act 93-851 to repeal the sunset provisions of Act 93-851; to repeal any inconsistent laws; to provide that the provisions of this act are severable; and to provide for a retroactive effective date of January 16, 1995.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 100. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 4th legislative day, Thursday, May 4, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 66 - By Page (As Amended)	11
Elections, uniform candidate certification, Secs. 17-7-1, 17-8-2.1, 17-16-40 am'd.	
H. 139 - By Johnson (R)	6
Drugs, dispensing of cert. by machines and devices, alt. Sec. 34-23-74 am'd.	
H. 53 - By Curry	7
Board of Registrars, purging names of felons, requirement of notice by certified mail removed, Sec. 17-4-132 am'd.	
H. 38 - By Venable	6
Elections and suffrage, Article VIII repealed and replaced, const. amend.	
H. 325 - By Hill (As Substituted)	28
Banks, Interstate and international banking, estab., Secs. 5-1A-1, 5-1A-6, 5-2A-2, 5-2A-8, 5-2A-23, 5-5A-18.1, 5-5A-20, 5-6A-25 am'd., Secs. 5-13A-1 to 5-13A-10, inclusive, 5-7A-45 repealed	
H. 181 - By Lindsey	13
Trucks used by farmers, tag for trucks and truck tractors up to 80,001 lbs. and over, Sec. 40-12-248 am'd.	

On motion of Representative Carter, the resolution, H.R. 100, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 66, was adopted.

Yeas 73; Nays 5.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Burke, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-73

Nay:

Representatives Hall (A), McKee, McMillan, Penry and Sims.

- 5

And the bill:

H. 66. (With Amendment): To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

was taken up.

SUBSTITUTE OFFERED

Representative Page offered the following substitute to the bill, H. 66, and to the pending amendment reported by the Standing Committee on Constitution and Elections:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, are amended to read as follows:

"§17-7-1.

"(a) The following persons shall be entitled to have their names printed on the appropriate ballot for the general election, provided they are otherwise qualified for the office they seek:

"(1) All candidates who have been put in nomination by primary election and certified in writing by the chair and secretary of the canvassing board of the party holding the primary and filed with the probate judge of the county, in the case of a candidate for county office, and the Secretary of State in all other cases, on the day next following the last day for contesting the primary election for that office if no contest is filed. If a contest is filed, then the certificate for the contested office must be filed on the day next following the date of settlement or decision of the contest.

"(2) All candidates who have been put in nomination by any caucus, convention, mass meeting, or other assembly of any political party or faction and certified in writing by the chair and secretary of the nominating caucus, convention, mass meeting, or assembly and filed with the probate judge, in the case of a candidate for county office, and the Secretary of State in all other cases, on or before 5:00 P.M. 60 days before the date of the first primary election six days after the second primary election.

"(3) Each candidate who has been requested to be an independent candidate for a specified office by written petition signed by electors qualified to vote in the election to fill the office when the petition has been filed with the probate judge, in the case of a county office and with the Secretary of State in all other cases, on or before 5:00 P.M. 60 days before the first primary election six days after the second primary election. The number of qualified electors signing the petition shall equal or exceed one five percent of the total number of registered voters of of the qualified electors who cast ballots for the office of Governor in the last general election for the state, county, city, district, or other political subdivision in which the candidate seeks to qualify.

~~"a. The county if the office is to be filled by vote of the electors of the entire county;~~

~~"b. The state if the office is to be filled by vote of electors of the entire state;~~
~~or~~

~~"c. The district if the office is to be filled by the electors of a district.~~

"(b) With regard to the 1992 election cycle for candidates for the United States House of Representatives only, and only if the Legislature adopts an approved congressional reapportionment plan in the 1992 Regular Session, candidates shall be certified or qualified on or before 5:00 p.m. 29 days before the first primary election.

"(c) The Secretary of State must, not later than ~~six~~ 45 days after the second primary, certify to the probate judge of each county in the state, in the case of an officer to be voted for by the electors of the whole state, and to the probate judges of the counties composing the circuit or district in case of an officer to be voted for by the electors of a circuit or district, upon suitable blanks to be prepared by him or her for that purpose, the fact of nomination or independent candidacy of each nominee or independent candidate who has qualified to appear on the general election ballot. The probate judge shall then prepare the ballot with the names of each candidate qualified under the provisions of this section printed on the ballot. The probate judge is prohibited from causing to be printed on the ballot the name of any independent candidate or candidate of a party who did not receive more than 20 percent of the entire vote cast in the last general election preceding the primary who was a candidate in the primary election of that year."

"§17-8-2.1.

"(a) No political party, except those qualified as a political party under Title 17, chapter 16, shall be included on any general election ballot unless:

"(1) The party shall have filed with the secretary of state or other appropriate official ~~at the same time set by law in section 17-16-11, for candidates in primary elections to qualify~~ six days after the second primary election a list of the signatures of at least ~~one~~ five percent of the qualified electors who casts ballots for the office of governor in the last general election for the state, county, city, district or other political subdivision in which the political party seeks to qualify candidates for office; and unless

"(2) The party shall have fulfilled all other applicable requirements of federal, state or local laws.

"(b) The provisions of this section are supplemental to the provisions of Title 17, chapter 16, and other laws regarding the conduct of elections in Alabama, and shall repeal only those laws or parts of laws in direct conflict herewith."

"§17-16-40.

"The secretary of state shall, within ~~six~~ 45 days after the second primary election, certify to the probate judge of each county in the state a separate list of nominees of each party for office and for each candidate who has requested to be an independent candidate and has filed a written petition in accordance with Section 17-7-1(a)(3), except nominees for county offices, to be voted for by the voters of such county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

H. 66 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 66, and the pending substitute offered by Representative Page and the pending committee amendment were temporarily carried over at the request of Representative Page.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 139, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Warren, White, Willis and Wren.

-81

And the bill:

H. 139. To amend Section 34-23-74, Code of Alabama 1975, to provide further for the stocking and dispensing of certain drugs.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-85

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Wren intended to vote "Yea" on passage of the bill, H. 139.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 53, was adopted.

Yeas 61; Nays 17.

Yea:

Mr. Speaker, Allen, Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Drake, Ford, Fuller, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-61

Nay:

Representatives Bandy, Black (L), Buskey, Hall (L), Hayden, Hilliard, Houston, Kennedy, Knight (J), McClammy, Minnifield, Mitchell, Newton (D), Page, Reed, Spratt and Thomas (J).

-17

And the bill:

H. 53. To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

was taken up.

AMENDMENT OFFERED

Representative Curry offered the following amendment #1 to the bill, H. 53:

To amend H. 53 on page 2, line 10 by adding after the word "by" the following: "first class"

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-71

AMENDMENT OFFERED

Representative Curry offered the following amendment #2 to the bill, H. 53, as amended:

To amend H. 53 on page 3 line 14 by striking the word "an" and inserting in lieu thereof the word "and".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 71; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maul, McAdory, McDaniel, McKee, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-71

Nay:

Representative Houston.

- 1

And the bill:

H. 53. To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 4.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaston, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Vance, Venable, Warren, White and Wren.

-64

Nay:

Representatives Buskey, Kennedy, Knight (J) and Thomas (J).

4

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Smith intended to vote "Yea" on passage of the bill, H. 53, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 38, was adopted.

Yeas 78; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-78

Nay:

Representatives Johnson (E) and Spratt.

- 2

And the bill:

H. 38. To replace the language in Article VIII of the Constitution of Alabama of 1901 by repealing the existing Article VIII and proposing a new Article VIII; to provide eligibility requirements for voting; and to provide that the Legislature would, by statute, provide for registration to vote, secrecy in voting, the administration of elections, and the nomination of candidates.

4th Day

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-79

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 325, was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-97

And the bill:

H. 325. (With Substitute): Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; to amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Banking, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Title 5 of the Code of Alabama 1975 is amended by adding Sections 2 to 65, inclusive, of this act as Chapter 13B, which shall be known and may be cited as the "Alabama Interstate and International Banking Act of 1995," to read as follows:

CHAPTER 13B
INTERSTATE AND INTERNATIONAL BANK
ACQUISITIONS, MERGERS AND BRANCHING

ARTICLE 1

ACQUISITIONS OF BANKS BY BANK HOLDING COMPANIES

Section 2. Definitions. For purposes of this article:

(a) "Acquire" means:

- (1) For a company to merge or consolidate with a bank holding company;
- (2) For a company to assume direct or indirect ownership or control of:

(I) More than 25 percent of any class of voting shares of a bank holding company or a bank, if the acquiring company was not a bank holding company prior to such acquisition;

(II) More than five percent of any class of voting shares of a bank holding company or a bank, if the acquiring company was a bank holding company prior to such acquisition; or

(III) All or substantially all of the assets of a bank holding company or a bank; or

(3) For a company to take any other action that results in the direct or indirect acquisition of control by such company of a bank holding company or a bank.

(b) "Affiliate" has the meaning set forth in Section 2(k) of the Bank Holding Company Act.

(c) "Alabama bank" means a bank that is:

(1) Organized under the laws of Alabama under the jurisdiction of the superintendent; or

(2) Organized under federal law and having its main office in this state.

(d) "Alabama bank holding company" means a bank holding company that:

(1) Had its principal place of business in this state on July 1, 1966, or the date on which it became a bank holding company, whichever is later; and

(2) Is not controlled by a bank holding company other than an Alabama bank holding company.

(e) "Bank" has the meaning set forth in Section 2(c) of the Bank Holding Company Act.

(f) "Bank holding company:"

(1) Has the meaning set forth in Section 2(a) of the Bank Holding Company Act; and

(2) Unless the context requires otherwise, includes an Alabama bank holding company, an out-of-state bank holding company, and a foreign bank holding company.

(g) "Bank Holding Company Act" means the federal Bank Holding Company Act of 1956, as amended, 12 U.S.C. §§ 1841 et seq.

(h) "Bank supervisory agency" means any of the following:

(1) The Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and any successor to these agencies; and

(2) Any agency of another state with primary responsibility for chartering and supervising banks.

(i) "Branch" has the same meaning as "domestic branch" defined in Section 3 of the Federal Deposit Insurance Act; however, an automated teller machine shall not constitute a branch.

(j) "Company" has the meaning set forth in Section 2(b) of the Bank Holding Company Act, and includes a bank holding company.

(k) "Control" shall be construed consistently with the provisions of Section 2(a) of the Bank Holding Company Act.

(l) "Deposit" has the meaning set forth in 12 U.S.C. § 1813(l).

(m) "Depository institution" means any institution included for any purpose within the definitions of "insured depository institution" as set forth in 12 U.S.C. § 1813(c)(2) and (3).

(n) "Foreign bank holding company" means a bank holding company that is organized under the laws of a country other than the United States, including any territory or possession thereof.

(o) "Home state regulator" means, with respect to an out-of-state bank holding company, the bank supervisory agency of the state in which such company maintains its principal place of business.

(p) "Out-of-state bank holding company" means:

(1) A bank holding company that is not an Alabama bank holding company;
and

(2) Unless the context requires otherwise, includes a foreign bank holding company.

(q) "Principal place of business" of a bank holding company means the state in which the total deposits of all bank subsidiaries of such company were the greatest on the later of July 1, 1966, or the date on which such company became a bank holding company.

(r) "State" means any state, territory, or other possession of the United States, including the District of Columbia.

(s) "Subsidiary" has the meaning set forth in Section 2(d) of the Bank Holding Company Act.

(t) "Superintendent" means the Superintendent of Banks then in office and, where appropriate, all of his or her successors and predecessors in office.

Section 3. Scope of Article and Statement of Legislative Intent.

This article sets forth the conditions under which a company may acquire an Alabama bank or an Alabama bank holding company. This article is intended not to discriminate against out-of-state bank holding companies or against foreign bank holding companies in any manner that would violate Section 3(d) of the Bank Holding Company Act, as amended effective September 29, 1995, by Section 101 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, Public Law No. 103-328.

Section 4. Permitted Acquisitions.

(a) Except as otherwise expressly permitted by federal law, no company may acquire an Alabama bank holding company or an Alabama state bank without the prior approval of the superintendent.

(b) The approval of the superintendent under subsection (a) shall not be required where the acquisition is made:

(1) Solely for the purpose of facilitating an acquisition otherwise permitted under this article which does not require the approval of the superintendent;

(2) In a transaction arranged by the superintendent or another bank supervisory agency to prevent the insolvency or closing of the acquired bank; or

(3) In a transaction in which a bank forms its own bank holding company, if the ownership rights of the former bank shareholders are substantially similar to those of the shareholders of the new bank holding company.

(c) In a transaction for which the superintendent's approval is not required under this section, the parties shall give written notice to the superintendent at least 15 days before the effective date of the acquisition, unless a shorter period of notice is expressly permitted or required under applicable federal law.

Section 5. Required Application.

(a) A company that proposes to make an acquisition under this article shall:

(1) File with the superintendent a copy of the application that such company has filed with the responsible federal bank supervisory agency together with such additional information as the superintendent may prescribe; and

(2) Pay to the superintendent the application fee, if any, prescribed by the superintendent.

(b) To the extent consistent with the effective discharge of the superintendent's responsibilities, the forms established under this article for application and reporting shall conform to those established by the Board of Governors of the Federal Reserve System under the Bank Holding Company Act.

(c) In connection with an application received under this article, the superintendent shall:

(1) Require that prior notice of the application be published one time in a daily newspaper of general circulation and provide an opportunity for public comment; and

(2) Make the application available for public inspection to the extent required or permitted under applicable state or federal law.

(d) If the applicant is an out-of-state bank holding company that is not incorporated under the laws of this state, it shall submit with the application evidence satisfactory to the superintendent that the applicant has complied with or is exempted from the requirements of Sections 10-2B-15.01, et seq., Code of Alabama 1975.

Section 6. Standards for Approval.

(a) In deciding whether to approve an application for a proposed acquisition under this article, the superintendent shall consider whether the acquisition may:

(1) Be detrimental to the safety and soundness of the Alabama state bank or the Alabama bank holding company to be acquired;

(2) Result in a substantial reduction of competition in this state; or

(3) Have a significantly adverse effect on the convenience and needs of the community or communities in this state that are served by the Alabama state bank or the Alabama bank holding company to be acquired.

(b) Except as otherwise expressly provided in this section, the superintendent shall not approve an acquisition under this article if upon consummation of the transaction the applicant, including any depository institution affiliated with the applicant, would control 30 percent or more of the total amount of deposits held by depository institutions in this state.

(c) The superintendent may by regulation, with the concurrence of a majority of the members of the Alabama State Banking Board, adopt a procedure whereby the limitation on control of deposits set forth in subsection (b) of this section may be waived for good cause shown.

(d) The superintendent shall not approve an application for an acquisition under this article unless the Alabama bank to be acquired, or all Alabama bank subsidiaries of the bank holding company to be acquired, have as of the proposed date of acquisition been in existence and in continuous operation for five years or more.

(e) The five-year requirement shall be met if the superintendent determines that either the Alabama bank or the subsidiaries of the Alabama bank holding company to be acquired:

(1) Were organized solely for the purpose of facilitating the acquisition of a bank that has been in existence and continuously operating for more than five years, or

(2) Resulted from the merger or consolidation of two or more banks at least one of which had been in existence and continuously operating for more than five years.

Section 7. Procedures Relating to Applications.

(a) The superintendent shall decide whether to approve an acquisition under this article within 60 days after receipt of a completed application; provided, that if the superintendent requests additional information from the applicant following receipt of a completed application, the time limit for decision by the superintendent shall be the later of:

(1) The date set forth above in this subsection (a), or

(2) Thirty days after the superintendent's receipt of the requested additional information.

(b) The superintendent may in his or her discretion hold a public hearing in connection with an application at any time within 20 days after receipt of the completed application if a significant issue of law or fact has been raised with respect to the proposed acquisition.

(c) If the superintendent holds a public hearing in connection with an application, the time limit specified in subsection (a) shall be extended to 30 days after the conclusion of the public hearing.

(d) An application shall be deemed approved if the superintendent takes no action on the application within the time limits specified in this section.

Section 8. Reports; Examinations.

(a) To the extent specified by the superintendent by regulation, order, or written request, each bank holding company that directly or indirectly controls an Alabama state bank or an Alabama bank holding company, or the home state regulator of such company, shall submit to the superintendent:

(1) One or more copies of each financial report filed by such company with any bank supervisory agency, except for any report the disclosure of which would be prohibited by applicable federal or state law, within 15 days after the filing thereof with such agency; and

(2) An annual report, not later than April 15 of each year for each bank and branch in the state controlled by the bank holding company:

(I) The location;

(II) The amount of deposits held as of the end of the preceding calendar year; and

(III) The amount of loans made during the preceding calendar year to individuals and entities with addresses in this state.

(b) At the request of the superintendent, to the extent permitted by applicable state or federal law, each bank holding company that controls an Alabama state bank or an Alabama bank holding company, or the home state regulator of such bank or company, shall provide to the superintendent copies of the reports of examination of the company or any Alabama state bank or Alabama bank holding company.

(c) The superintendent may examine an Alabama bank holding company whenever the superintendent has reason to believe that the company is not being operated in compliance with the laws of this state or in accordance with safe and sound banking practices.

Section 9. Agency Activities.

(a) Any Alabama state bank may, upon compliance with the requirements of this section, agree to receive deposits, renew time deposits, close loans, service loans, receive payments on loans and other obligations and, with the prior approval of the superintendent, perform other services as an agent for any depository institution.

(b) An Alabama state bank that proposes to enter into an agency agreement to perform services other than those specifically designated in subsection (a) of this section shall file with the superintendent at least 30 days before the effective date of the agreement:

(1) A notice of intention to enter into such an agency agreement with a depository institution;

(2) A description of the services other than those specifically designated in subsection (a) of this section proposed to be performed under the agency agreement; and

(3) A copy of the agreement.

(c) If any proposed service is not specifically designated in subsection (a) of this section and has not previously been approved in a regulation issued by the superintendent, the superintendent shall decide whether to approve the offering of such service within 30 days after receipt of the notice required by subsection (b) of this section; provided, that if the superintendent requests additional information after reviewing such notice, the time limit for the superintendent's decision shall be 30 days after receiving such additional information. In deciding whether to approve, by regulation or order, any proposed service that is not specifically designated in subsection (a) of this section, the superintendent shall consider whether such service would be consistent with applicable federal and state law and the safety and soundness of the principal and agent depository institutions. The superintendent shall give appropriate notice to the public of each approval, by regulation or order, of any proposed service pursuant to this subsection (c) of this section.

(d) Any proposed service subject to subsection (c) of this section shall be deemed approved if the superintendent takes no action on the notice required by subsection (b) of this section within the time limits specified in subsection (c) of this section.

(e) An Alabama state bank may not under any agency agreement:

(1) Conduct any activity as an agent that it would be prohibited from conducting as a principal under applicable state or federal law; or

(2) Have an agent conduct any activity that the bank as principal would be prohibited from conducting under applicable state or federal law.

(f) The superintendent may order an Alabama state bank or any other depository institution subject to the superintendent's enforcement powers to cease acting as an agent or principal under any agency agreement with a depository institution that the superintendent finds to be inconsistent with safe and sound banking practices.

(g) Notwithstanding any other provision of the law of this state, an Alabama state bank acting as an agent for a depository institution in accordance with this section shall not be considered to be a branch of that depository institution.

Section 10. Penalties.

The superintendent may enforce the provisions of this article by any appropriate action in the circuit courts of this state, including an action for civil money penalties or injunctive relief, provided, that the superintendent shall promptly give notice to the home state regulator of any enforcement action initiated against an out-of-state bank holding company and, to the extent practicable, shall consult and cooperate with the home state regulator in pursuing and resolving the enforcement action.

Section 11. Authority to Issue Regulations; Cooperative Agreements; Fees.

In order to carry out the purposes of this article, the superintendent may:

- (a) Adopt regulations;
- (b) Enter into cooperative, coordinating, or information-sharing agreements with any other bank supervisory agency or any organization affiliated with or representing one or more bank supervisory agencies;
- (c) Accept any report of examination or investigation by another bank supervisory agency having concurrent jurisdiction over an Alabama state bank or a bank holding company that controls an Alabama state bank in lieu of conducting the superintendent's own examination or investigation of such bank holding company or bank;
- (d) Enter into contracts with any bank supervisory agency having concurrent jurisdiction over an Alabama state bank or a bank holding company that controls an Alabama state bank to engage the services of the agency's examiners at a reasonable rate of compensation, or to provide the services of the superintendent's examiners to the agency at a reasonable rate of compensation; which contract shall be deemed a sole source, one vendor and one supplier contract under the procurement laws of this state and shall be exempt from competitive bidding requirements;
- (e) Enter into joint examinations or joint enforcement actions with any other bank supervisory agency having concurrent jurisdiction over any Alabama state bank or any bank holding company that controls an Alabama state bank; provided,

however, that the superintendent may take any such action independently, except with respect to the examination of an out-of-state bank holding company, if the superintendent determines that such action is necessary to carry out his or her responsibilities under this article or to enforce compliance with the laws of this state; and provided further, that in the case of an out-of-state bank holding company, the superintendent shall recognize the exclusive authority of the home state regulator over corporate governance matters and the primary responsibility of the home state regulator with respect to safety and soundness matters; and

(f) Assess supervisory and examination fees that shall be payable by Alabama banks and Alabama bank holding companies in connection with the superintendent's performance of his or her duties under this article and in accordance with regulations adopted by the superintendent. Such fees may be shared with other bank supervisory agencies or any organizations affiliated with or representing one or more bank supervisory agencies in accordance with agreements between them and the superintendent.

ARTICLE 2

INTERSTATE BANK MERGERS AND BRANCHING

Section 12. Purpose.

It is the express intent of this article to permit interstate branching by merger under Section 102 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, Public Law No. 103-328, in accordance with the provisions set forth in this article.

Section 13. Definitions.

As used in this article, unless a different meaning is required by the context, the following words and phrases shall have the following meanings:

(a) "Alabama bank" means a bank whose home state is Alabama.

(b) "Alabama state bank" means a bank chartered under the laws of Alabama.

(c) "Bank" has the same meaning as set forth in 12 U.S.C. § 1813(h); provided that the term "bank" shall not include any "foreign bank" as defined in 12 U.S.C. § 3101(7), except that such term shall include any foreign bank organized under the laws of a territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(d) "Bank holding company" has the meaning set forth in 12 U.S.C. § 1841(a)(1).

(e) "Bank supervisory agency" means:

(1) The Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and any successor to these agencies; and

(2) Any agency of another state with primary responsibility for chartering and supervising banks.

(f) "Branch" has the same meaning as "domestic branch" defined in Section 3 of the Federal Deposit Insurance Act; however, an automated teller machine shall not constitute a branch.

(g) "Control" shall be construed consistently with the provisions of 12 U.S.C. § 1841(a)(2).

(h) "Home state" means:

(1) With respect to a national bank, the state in which the main office of the bank is located;

(2) With respect to a state bank, the state by which the bank is chartered;

(3) With respect to a foreign bank, the state determined to be the home state of such foreign bank under 12 U.S.C. § 3103(c).

(i) "Home state regulator" means, with respect to an out-of-state state bank, the bank supervisory agency of the state in which such bank is chartered.

(j) "Host state" means a state, other than the home state of a bank, in which the bank maintains, or seeks to establish and maintain, a branch.

(k) "Insured depository institution" has the meaning set forth in 12 U.S.C. § 1813(c)(2) and (3).

(l) "Interstate merger transaction" means:

(1) The merger or consolidation of banks with different home states, and the conversion of branches of any bank involved in the merger or consolidation into branches of the resulting bank; or

(2) The purchase of all or substantially all of the assets, including all or substantially all of the branches, of a bank whose home state is different from the home state of the acquiring bank.

(m) "Out-of-state bank" means a bank whose home state is a state other than Alabama.

(n) "Out-of-state state bank" means a bank chartered under the laws of any state other than Alabama.

(o) "Resulting bank" means a bank that has resulted from an interstate merger transaction under this article.

(p) "State" means any state, territory, or other possession of the United States, including the District of Columbia.

(q) "Subsidiary" has the meaning set forth in Section 2(d) of the Bank Holding Company Act.

(r) "Superintendent" means the Superintendent of Banks then in office and, where appropriate, all of his or her successors and predecessors in office.

Section 14. Authority of State Banks to Establish Interstate Branches by Merger; Branching.

With the prior approval of the superintendent, an Alabama state bank may establish, maintain, and operate one or more branches in a state other than Alabama or a foreign country pursuant to an interstate merger transaction in which the Alabama state bank is the resulting bank. Not later than the date on which the required application for the interstate merger transaction is filed with the responsible federal bank supervisory agency, the applicant Alabama state bank shall file an application on a form prescribed by the superintendent and pay the fee prescribed by the superintendent. The applicant shall also comply with the applicable provisions of Alabama law governing mergers of Alabama state banks. If the superintendent finds that (i) the proposed transaction will not be detrimental to the safety and soundness of the applicant or the resulting bank, (ii) any new officers and directors of the resulting bank are qualified by character, experience, and financial responsibility to direct and manage the resulting bank, and (iii) the proposed merger is consistent with the convenience and needs of the communities to be served by the resulting bank in this state and is otherwise in the public interest, it shall approve the interstate merger transaction and the operation of branches outside of Alabama by the Alabama state bank. Such an interstate merger transaction may be consummated only after the applicant has received the superintendent's written approval.

Section 15. Interstate Merger Transactions and Branching Permitted.

(a) One or more Alabama state banks may enter into an interstate merger transaction with one or more out-of-state banks under this article, and an out-of-state bank resulting from such transaction may maintain and operate the branches in Alabama of an Alabama state bank that participated in such transaction, provided that the conditions and filing requirements of this article are met.

(b) Except as otherwise expressly provided in this subsection (b), an interstate merger transaction shall not be permitted under this article if, upon

consummation of such transaction, the resulting bank, including all insured depository institutions that would be "affiliates" as defined in 12 U.S.C. § 1841(k) of the resulting bank, would control 30 percent or more of the total amount of deposits held by all insured depository institutions in this state. The superintendent may by regulation, subject to the approval of the banking board, adopt a procedure whereby the foregoing limitation on control of deposits may be waived for good cause shown.

(c) An interstate merger transaction resulting in the acquisition by an out-of-state bank of an Alabama state bank, or all or substantially all of the branches of an Alabama state bank, shall not be permitted under this article unless such Alabama state bank shall have been in continuous operation, on the date of such acquisition, for a period of at least five years. The five-year requirement shall be met if the superintendent determines that the Alabama state bank to be acquired was:

(I) Organized solely for the purpose of facilitating the acquisition of a bank that has been in existence and continuously operating for more than five years, or

(II) Resulted from the merger or consolidation of two or more banks at least one of which had been in existence and continuously operating for more than five years.

(d) An out-of-state bank which is not a resulting bank may not establish or maintain a de novo branch in this state.

(e) Except as permitted by this subsection (e), an out-of-state bank, which is not a resulting bank, shall not establish or maintain a branch in this state through the acquisition of less than all or substantially all of the assets, including all or substantially all of the branches, of an Alabama bank. An out-of-state bank, whether or not a resulting bank, may establish and maintain one or more branches in this state upon approval of the superintendent, with the concurrence of a majority of the members of the banking board, if the superintendent determines that the acquisition of the branch or branches is required because the bank which owns the branch or branches to be acquired is in default or in danger of default or is required by law to divest one or more of its branches, and that the branches have first been offered for sale upon substantially similar terms without success to Alabama banks and out-of-state banks operating branches in Alabama.

(f) An out-of-state bank that has established or acquired a branch in Alabama under this article may establish or acquire additional branches in Alabama to the same extent that any Alabama bank may establish or acquire a branch in Alabama under applicable federal and state law.

Section 16. Notice and Filing Requirements.

Any out-of-state bank that will be the resulting bank pursuant to an interstate merger transaction involving an Alabama state bank shall notify the

superintendent of the proposed merger not later than the date on which it files an application for an interstate merger transaction with the responsible federal bank supervisory agency, and shall submit a copy of that application to the superintendent and pay the filing fee, if any, required by the superintendent. Any Alabama state bank which is a party to such interstate merger transaction shall comply with Title 5, Chapter 7A, Code of Alabama 1975, and with other applicable state and federal laws. Any out-of-state bank which shall be the resulting bank in such an interstate merger transaction shall provide satisfactory evidence to the superintendent of compliance with or exemption from Sections 10-2A-15.01, et seq., Code of Alabama 1975.

Section 17. Powers.

(a) An out-of-state state bank which establishes and maintains one or more branches in Alabama under this article may conduct any activities at such branch or branches that are authorized under the laws of this state for Alabama state banks.

(b) An Alabama state bank may conduct any activities at any branch outside Alabama that are permissible for a bank chartered by the host state where the branch is located, except to the extent such activities are expressly prohibited by the laws of this state; provided, however, that the superintendent shall waive any such prohibition unless he or she determines, by order or regulation, that the involvement of out-of-state branches of an Alabama state bank in particular activities would threaten the safety or soundness of the bank.

Section 18. Examinations; Periodic Reports; Cooperative Agreements; Assessment of Fees.

(a) To the extent consistent with subsection (c) of this section, the superintendent may make such examinations of any branch established and maintained in this state pursuant to this article by an out-of-state state bank as the superintendent may deem necessary to determine whether the branch is being operated in compliance with the laws of this state and in accordance with safe and sound banking practices. The provisions of Chapter 3A, Title 5, Code of Alabama 1975, shall apply to such examinations.

(b) The superintendent may prescribe requirements for periodic reports regarding any out-of-state bank that operates a branch in Alabama pursuant to this article. The required reports shall be provided by such bank or by the bank supervisory agency having primary responsibility for such bank. Any reporting requirements prescribed by the superintendent under this subsection (b) shall be (i) consistent with the reporting requirements applicable to Alabama state banks and (ii) appropriate for the purpose of enabling the superintendent to carry out his or her responsibilities under this article.

(c) The superintendent may enter into cooperative, coordinating and information-sharing agreements with any other bank supervisory agencies or any

organization affiliated with or representing one or more bank supervisory agencies with respect to the periodic examination or other supervision of any branch in Alabama of an out-of-state state bank, or any branch of an Alabama state bank in any host state, and the superintendent may accept such parties' reports of examination and reports of investigation in lieu of conducting his or her own examinations or investigations.

(d) The superintendent may enter into contracts with any bank supervisory agency that has concurrent jurisdiction over an Alabama state bank or an out-of-state state bank operating a branch in this state pursuant to this article to engage the services of such agency's examiners at a reasonable rate of compensation, or to provide the services of the superintendent's examiners to such agency at a reasonable rate of compensation. Any such contract shall be deemed a sole source, one vendor and one supplier contract under the procurement laws of the state and shall be exempt from competitive bidding requirements.

(e) The superintendent may enter into joint examinations or joint enforcement actions with other bank supervisory agencies having concurrent jurisdiction over any branch in Alabama of an out-of-state state bank or any branch of an Alabama state bank in any host state; provided, that the superintendent may at any time take such actions independently if the superintendent deems such actions to be necessary or appropriate to carry out his or her responsibilities under this article and to ensure compliance with the laws of this state; but provided further, that, in the case of an out-of-state state bank, the superintendent shall recognize the exclusive authority of the home state regulator over corporate governance matters and the primary responsibility of the home state regulator with respect to safety and soundness matters.

(f) Each out-of-state state bank that maintains one or more branches in this state may be assessed and, if assessed, shall pay supervisory and examination fees in accordance with the laws of this state and regulations of the superintendent. Such fees may be shared with other bank supervisory agencies or any organization affiliated with or representing one or more bank supervisory agencies in accordance with agreements between such parties and the superintendent.

Section 19. Enforcement.

If the superintendent determines that a branch maintained by an out-of-state state bank in this state is being operated in violation of any provision of the laws of this state, or that such branch is being operated in an unsafe and unsound manner, the superintendent shall have the authority to take all such enforcement actions as he or she would be empowered to take if the branch were an Alabama state bank; provided that the superintendent shall promptly give notice to the home state regulator of each enforcement action taken against an out-of-state state bank and, to the extent practicable, shall consult and cooperate with the home state regulator in pursuing and resolving the enforcement action.

Section 20. Regulations.

The superintendent may promulgate such regulations as he or she determines to be necessary or appropriate in order to implement the provisions of this article.

Section 21. Notice of Subsequent Merger, Etc.

Each out-of-state state bank that has established and maintains a branch in this state pursuant to this article, or the home state regulator of such bank, shall give at least 30 days' prior written notice to the superintendent, or, in the case of an emergency transaction, such shorter notice as is consistent with applicable state or federal law, of any merger, consolidation, or other transaction that would cause a change of control with respect to such out-of-state state bank or any bank holding company that controls such bank, with the result that an application would be required to be filed pursuant to the federal Change in Bank Control Act of 1978, as amended, 12 U.S.C. § 1817(j), or the federal Bank Holding Company Act of 1956, as amended, 12 U.S.C. §§ 1841 et seq., or any successor statutes thereto.

ARTICLE 3

REGULATION OF FOREIGN BANKS

SUBCHAPTER A - General

Section 22. Purpose.

(a) This article is intended generally to provide for state regulation of the participation by foreign banks in the financial markets of this state.

(b) Consistent with the federal International Banking Act, the Bank Holding Company Act, the Federal Deposit Insurance Act, and the Interstate Banking and Branching Efficiency Act, this article is intended specifically:

(1) To authorize banking activities and operations, under state licenses issued by the superintendent, of direct branch and agency offices in this state of foreign banks, generally under terms and conditions not less favorable than the terms and conditions under which such activities and operations may be conducted by federal branch or agency offices of foreign banks in the United States, and to set forth a statutory framework for the licensing, regulation and supervision of such state-licensed offices of foreign banks by the superintendent to assure the safe and sound operation of such offices that are licensed under the laws of this state;

(2) To authorize representative offices in this state of foreign banks, and to set forth statutory provisions governing the licensing and supervision of such offices by the superintendent; and

(3) To ensure that the banking laws and regulations of this state otherwise apply to foreign banks, and to Alabama and out-of-state banks and bank holding companies that are owned or controlled by foreign banks, in a manner consistent with the laws and policies of the United States governing the operations in this country of foreign banks.

Section 23. Definitions.

For purposes of this article:

(a) The term "bank" means any bank as defined in: Section 2(c) of the Bank Holding Company Act (12 U.S.C. § 1841(c)); Section 3(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(a)(1)), other than a branch of a foreign bank; or, as the context may require, in Chapter 5A, Title 5, Code of Alabama 1975. The term "bank" as used in this article shall not in any event include a foreign bank or a branch or agency of a foreign bank.

(b) The term "foreign bank" means any company organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, that engages directly in the business of banking. The term includes foreign commercial banks, foreign merchant banks, and other foreign institutions that engage in banking activities usual in connection with the business of banking in the countries where such foreign institutions are organized or operating.

(c) The term "out-of-state bank" means a bank, the home state of which is a state other than Alabama.

(d) The term "out-of-state foreign bank" means a foreign bank, the home state of which is a state other than Alabama.

(e) The term "Alabama state bank" means a bank organized under the laws of Alabama.

(f) The term "Alabama national bank" means a national banking association having its headquarters within Alabama.

(g) The term "Alabama bank" means an Alabama state bank or an Alabama national bank.

(h) The terms "bank holding company," "subsidiary," and "affiliate," have the same meaning as set forth in Section 2 of the Bank Holding Company Act (12 U.S.C. § 1841), the term "control" shall be construed consistently with the provisions of Section 2(a)(2) of the Bank Holding Company Act (12 U.S.C. § 1841(a)(2)), and the term "depository institution" means any institution that is included for any purpose within the definitions of "insured depository institution" as set forth in Sections 3(c)(2) and 3(c)(3) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(c)(2) and (3)).

(i) The term "out-of-state bank holding company" means a bank holding company, the home state of which is a state other than Alabama.

(j) The term "state" has the same meaning as is set forth in Section 3(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(a)(3)).

(k) The term "home state" has the same meaning in reference to national banks, state banks, and bank holding companies as is set forth in Section 44(f)(4) of the Federal Deposit Insurance Act (12 U.S.C. § 1831u), and the same meaning in reference to foreign banks as is set forth in Section 5(c) of the federal International Banking Act (12 U.S.C. § 3103(c)).

(l) The term "foreign person" means a natural or juridical person who is a citizen or national of one or more countries, including any colonies, dependencies, or possessions of such countries, other than the United States.

(m) The term "branch," when used in reference to an office of a foreign bank, shall have the same meaning as set forth in Section 1(b)(3) of the federal International Banking Act (12 U.S.C. § 3101(3)), and when used in reference to an office of a bank as defined in this section, shall have the same meaning as "domestic branch" set forth in Section 3(o) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(o)).

(n) The term "interstate branch" means a branch of a bank or a branch of a foreign bank, as the context may require, which is, or is to be, established after September 29, 1994, pursuant to the authority contained in the Interstate Banking and Branching Efficiency Act, outside the home state of the bank or foreign bank. In the case of a foreign bank, the term shall not include a limited branch.

(o) The term "limited branch" means a branch of a foreign bank that accepts only such deposits as would be permissible for a corporation organized under Section 25A of the Federal Reserve Act in accordance with the provisions of Section 5(a)(7) of the federal International Banking Act (12 U.S.C. § 3103(a)(7)).

(p) The term "agency," when used in reference to an office of a foreign bank, shall have the same meaning as is set forth in Section 1(b)(1) of the federal International Banking Act (12 U.S.C. § 3101(1)).

(q) The term "federal branch" means a branch of a foreign bank that is licensed by the Comptroller of the Currency pursuant to the provisions of Section 4 of the federal International Banking Act (12 U.S.C. § 3102).

(r) The term "federal agency" means an agency of a foreign bank that is licensed by the Comptroller of the Currency pursuant to the provisions of Section 4 of the federal International Banking Act (12 U.S.C. § 3102).

(s) The term "Alabama state branch," when used in reference to an office of a foreign bank, shall mean a branch of a foreign bank that is located in this state and licensed pursuant to the provisions of Subchapter C of this article.

(t) The term "Alabama state agency," when used in reference to an office of a foreign bank, shall mean an agency of a foreign bank that is located in this state and licensed pursuant to the provisions of Subchapter C of this article.

(u) The term "representative office" shall have the same meaning as is set forth in Section I(b)(15) of the federal International Banking Act (12 U.S.C. § 3101(15)), and the term "Alabama representative office" shall mean any such office that is located in this state.

(v) The term "United States," when used in a geographical sense, means the several states, the District of Columbia, Puerto Rico, Guam, American Samoa, the American Virgin Islands, the Trust Territory of the Pacific Islands, and any other territory of the United States; and, when used in a political sense, means the federal government of the United States.

(w) The term "Bank Holding Company Act" means the federal Bank Holding Company Act of 1956, as amended (12 U.S.C. §§ 1841 et seq.).

(x) The term "Federal Deposit Insurance Act" means the Federal Deposit Insurance Act, as amended (12 U.S.C. §§ 1813 et seq.).

(y) The term "federal International Banking Act" means the federal International Banking Act of 1978, as amended (12 U.S.C. §§ 3101 et seq.).

(z) The term "Interstate Banking and Branching Efficiency Act" means the federal Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, Public Law No. 103-328, 108 Stat. 2338-2381 (September 29, 1994), codified at various sections of Title 12, United States Code.

(aa) The term "superintendent" means the superintendent then in office and, where appropriate, all of his or her successors and predecessors in office.

(bb) The term "bank supervisory agency" means:

(1) The Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and any successor to these agencies;

(2) Any agency of another state with primary responsibility for chartering and supervising banks; and

(3) Any agency of a country, including any colonies, dependencies, possessions, or political subdivisions thereof, other than the United States.

Section 24. General Regulation Authority.

The superintendent, with the concurrence of a majority of the members of the State Banking Board, is authorized and empowered to issue such rules,

regulations, and orders as the superintendent may deem necessary in order to perform his or her duties and functions under this article and to administer and carry out the provisions and purposes of this article and to prevent evasions thereof.

SUBCHAPTER B - Domestic Banks Owned or Controlled

by Foreign Banks and other Foreign Persons

Section 25. Purpose.

This subchapter is generally intended to ensure that the laws and regulations of this state applicable to the ownership and operations of Alabama banks, and interstate branches in this state of out-of-state banks, do not discriminate against such banks that are owned or controlled by foreign banks or other foreign persons in a manner inconsistent with the provisions of Section 3(d) of the Bank Holding Company Act (12 U.S.C. § 1842(d)), as amended effective September 29, 1995, by Section 101 of the Interstate Banking and Branching Efficiency Act, or with other laws and policies of the United States.

Section 26. Operations in this State of Banks Owned or Controlled by Foreign Banks and other Foreign Persons.

(a) Except as provided in subsection (b) of this section:

(1) The laws and regulations of this state governing the acquisition or ownership of controlling or other interests in Alabama banks or in out-of-state banks seeking to establish and maintain one or more interstate branches in this state shall not generally prohibit ownership of such institutions by, or otherwise discriminate against, foreign banks or other foreign persons, notwithstanding any provision of the laws or regulations of this state to the contrary;

(2) The laws and regulations of this state governing the powers and activities of Alabama banks and of out-of-state banks maintaining one or more interstate branches in this state shall not discriminate among such banks on the basis of their ownership or control by foreign banks or other foreign persons, notwithstanding any provision of the laws or regulations of this state to the contrary.

(b) Notwithstanding the provisions of subsection (a), the superintendent is authorized to apply any standards or requirements of the laws and regulations of this state governing the ownership, control, or operations of Alabama banks, even if applicable specifically or exclusively to foreign banks or other foreign persons, to the extent such standards or requirements are determined by regulation or order of the superintendent to be either:

(1) Substantially equivalent to or consistent with the standards or requirements governing the ownership, control, or operations of Alabama banks

by foreign banks or other foreign persons under applicable U.S. federal laws or regulations, or

(2) Otherwise consistent with the laws and policies of the United States, including its international agreements governing financial services.

Section 27. Citizenship and Residency Requirements for Directors of State Banks.

Notwithstanding any other provision of the laws and regulations of this state, the citizenship and residency requirements otherwise applicable to members of the board of directors of any Alabama bank may, in the case of an Alabama bank which is a subsidiary or affiliate of a foreign bank, be waived by the superintendent in his or her discretion upon application by the controlling shareholder of the Alabama bank; provided that at least a majority of the directors shall be citizens of the United States and at least 25 percent of the directors shall be residents of this state.

SUBCHAPTER C - Direct Branch, Agency, and Representative Offices of Foreign Banks

Section 28. Purpose.

(a) Consistent with the federal International Banking Act, the Bank Holding Company Act, the Federal Deposit Insurance Act, and the Interstate Banking and Branching Efficiency Act, this subchapter is intended:

(1) To authorize banking activities and operations, under state licenses issued by the superintendent, of direct branch and agency offices in this state of foreign banks, generally under terms and conditions not less favorable than the terms and conditions under which such activities and operations may be conducted by federal branch or agency offices of foreign banks in the United States, and to set forth a statutory framework for the licensing, regulation, and supervision of such state-licensed offices of foreign banks by the superintendent to assure the safe and sound operation of such offices that are licensed under the laws of this state; and

(2) To authorize representative offices in this state of foreign banks, and to set forth statutory provisions governing the licensing and supervision of such offices by the superintendent.

Section 29. Branches and Agencies of Foreign Banks - Necessity of Licensure.

(a) No foreign bank shall transact business in this state except at an Alabama state branch or Alabama state agency which it is licensed to establish and maintain pursuant to, and at which it conducts such activities as are permitted by, this article.

(b) Subsection (a) shall not be deemed to prohibit:

(1) Any foreign bank which maintains a federal agency or federal branch in this state from transacting at such federal agency or federal branch such business as it may be authorized to transact under applicable federal laws and regulations; or

(2) Any foreign bank which does not maintain an Alabama state branch or Alabama state agency from making in this state loans secured by liens on real property located in this state; or

(3) Any foreign bank which maintains an Alabama branch or agency from transacting business as agent for an affiliated depository or other institution in accordance with provisions of this article; or

(4) Any foreign bank organized under the laws of a territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, the deposits of which are insured by the Federal Deposit Insurance Corporation, from establishing and operating an interstate branch in this state in its capacity as a "state bank" as defined in the Federal Deposit Insurance Act, pursuant to the authorities contained in that act and in the laws of this state.

(c) For purposes of subsection (a), no foreign bank shall be deemed to be transacting business in this state merely because a subsidiary or affiliate transacts business in this state.

Section 30. Application to Establish and Maintain a Branch or Agency - Contents.

(a) A foreign bank, in order to procure a license under this article to establish and maintain an Alabama state branch or Alabama state agency shall submit an application to the superintendent. Such application shall contain:

(1) The same information as required by the Board of Governors of the Federal Reserve System for an application to establish a branch or agency, as the case may be, in the United States; and

(2) Such additional information as the superintendent may require by regulation or order.

(b) In addition to the information required to be included in an application for a license to establish and maintain an Alabama state branch or Alabama state agency listed in subsection (a), the superintendent may as he or she deems necessary or appropriate require a foreign bank to include as part of such an application an instrument irrevocably appointing the superintendent and his or her successors in office to be such foreign bank's agent, representative, and attorney to receive service of any lawful process in any proceeding against the foreign bank or any of its successors which arises out of the foreign bank's activities in this

state after such appointment has been filed, with the same force and validity as if served on the foreign bank or its successor, as the case may be. Such appointment shall be in such form and contain such information as the superintendent may require by regulation or order.

Section 31. Application to Establish and Maintain a Branch or Agency - Manner of Filing and Determination.

(a) A foreign bank making an application under this article for a license to establish and maintain an Alabama state branch or Alabama state agency shall deliver to the superintendent:

(1) At least two, or more as the superintendent may require by regulation, duplicate originals of the foreign bank's application; and

(2) At least two, or more as the superintendent may require by regulation, copies of its charter or articles of incorporation and all amendments thereto, duly authenticated by the proper officer of the country of such foreign bank's organization.

(b) The superintendent shall issue a license to a foreign bank to establish and maintain an Alabama state branch or Alabama state agency if he or she finds that:

(1) The foreign bank is of good character and sound financial standing;

(2) The management of the foreign bank and the proposed management of the Alabama state branch or Alabama state agency are adequate;

(3) The convenience and needs of persons to be served by the proposed Alabama state branch or Alabama state agency will be promoted; and

(4) The foreign bank satisfies such other standards as the superintendent may establish by regulation.

(c) If the superintendent determines to issue a license to a foreign bank to establish and maintain an Alabama state branch or Alabama state agency, he or she shall, when all fees have been paid as required under this article:

(1) Endorse on each document filed as part of the application the word "Filed," and the date of the filing thereof and return to the foreign bank a copy of each document so endorsed;

(2) File in his or her office one of such duplicate originals of the application and copies of the charter or articles of incorporation and amendments thereto; and

(3) Issue a license to establish and maintain an Alabama state branch or Alabama state agency to such foreign bank.

(d) Each license issued to a foreign bank to establish and maintain an Alabama state branch or Alabama state agency shall state fully the name of the foreign bank to which such license is issued and all such other information as the superintendent may require by regulation or order.

(e) The superintendent may, by regulation or order, prescribe abbreviated application procedures and standards applicable to applications by foreign banks that have already established an initial Alabama state branch or agency, subsequently to establish additional intrastate Alabama state branches or agencies, as the case may be.

Section 32. Application Fee.

Upon applying to the superintendent under this article for a license to establish and maintain an Alabama state branch or Alabama state agency, a foreign bank shall pay to the superintendent an application fee in such amount and in such manner as the superintendent shall require by regulation.

Section 33. No Concurrent Maintenance of Federal Branches or Agencies.

(a) No foreign bank which is licensed under this article to establish and maintain an Alabama state branch or Alabama state agency shall concurrently maintain a federal branch or federal agency in this state.

(b) No foreign bank which maintains a federal branch or federal agency in this state shall concurrently be licensed under this article to maintain an Alabama state branch or Alabama state agency.

Section 34. Powers of Branch and Agency.

(a) Except as otherwise specifically provided in this subchapter or in regulations or orders adopted by the superintendent, and notwithstanding any other law or regulation of this state to the contrary, operations of a foreign bank at an Alabama state branch or Alabama state agency shall be conducted with the same rights, privileges, and powers as an Alabama state bank at the same location, including, but not limited to, the eligibility to exercise fiduciary or trust powers, and shall be subject to all the same duties, restrictions, penalties, liabilities, conditions, and limitations that would apply under the laws of this state to an Alabama state bank doing business at the same location.

(b) Among other exceptions to the provisions of subsection (a) that may be required or authorized by the superintendent pursuant to the provisions of this subchapter:

(1) An Alabama state branch that was not grandfathered as an "insured branch" within the meaning of Section 6(c)(2) of the federal International Banking Act (12 U.S.C. § 3104(c)(2)) may not accept, from citizens or residents of the United States, deposits, other than credit balances that are incidental to or arise

out of its exercise of other lawful banking powers, of less than one hundred thousand dollars (\$100,000), except to the extent that such deposits are determined by the Federal Deposit Insurance Corporation not to constitute "domestic retail deposit activities requiring deposit insurance protection" within the meaning of Section 6 of the federal International Banking Act (12 U.S.C. § 3104);

(2) An Alabama state agency may not accept any deposits from citizens or residents of the United States, other than credit balances that are incidental to or arise out of its exercise of other lawful banking powers, but it may accept deposits from persons who are neither citizens nor residents of the United States;

(3) An Alabama state branch or Alabama state agency shall not be required to maintain federal or state deposit insurance under any law, regulation, or order of this state that requires Alabama state banks and other depository institutions to maintain such deposit insurance, and the superintendent may, by regulation or order, exclude or exempt uninsured Alabama state branches and/or Alabama agencies from, or otherwise modify the applicability to uninsured Alabama state branches and/or Alabama agencies of, any law or regulation of this state that is generally applicable to insured Alabama state banks, or that would otherwise be applicable to an insured Alabama state bank doing business at the same location, as the superintendent may deem necessary or desirable, taking into account applicable limitations on the retail deposit-taking powers and privileges of Alabama state branches and Alabama agencies;

(4) Any limitation or restriction based on the capital stock and surplus of an Alabama state bank shall be deemed to refer, as applied to an Alabama state branch or Alabama state agency, to the dollar equivalent of the capital stock and surplus of the foreign bank, and if the foreign bank has more than one Alabama state branch or Alabama state agency in this state, the business transacted by all such Alabama state branches and Alabama state agencies shall be aggregated in determining compliance with the limitation; and

(5) The superintendent is expressly authorized to adopt such additional or modify the applicability of any existing standards, conditions, or requirements, by regulation or order, as he or she may deem necessary to ensure the safety and soundness and the protection of creditors of the operations of branches and agencies of foreign banks in this state.

Section 35. Fiduciary Activities.

(a) No foreign bank which is licensed to establish and maintain an Alabama state branch or Alabama state agency shall engage in fiduciary activities at such office unless such foreign bank shall have first obtained a certificate of authority from the superintendent to engage in fiduciary activities at such office.

(b) An application to obtain a certificate of authority to engage in fiduciary activities shall be in such form and contain such information, and be accompanied by such reasonable fee, as the superintendent may require by regulation. The

superintendent shall issue a certificate of authority to engage in fiduciary activities to a foreign bank making an application under this section if he or she finds that such foreign bank will exercise fiduciary powers in accordance with the laws and regulations of this state.

(c) A foreign bank which holds a certificate of authority issued under this section may engage at its Alabama state branch or Alabama state agency in fiduciary activities to the same extent and in the same manner as if such foreign bank were an Alabama state bank.

(d) A foreign bank which holds a certificate of authority issued under this section shall file all such reports, pay all such reasonable fees, and be subject to examination and supervision as the superintendent may determine by regulation.

(e) The superintendent may suspend or revoke a certificate to engage in fiduciary activities issued under this section if he or she finds:

(1) That conditions exist which would authorize the superintendent under this article to revoke or suspend such foreign bank's license to establish and maintain an Alabama state branch or Alabama state agency; or

(2) Any fact or condition exists which, if it had existed at the time of the foreign bank's original application to obtain a certificate of authority to engage in fiduciary activities, would have resulted in the superintendent's refusal to issue such certificate of authority to the foreign bank.

Section 36. Authority to Act as Agent.

(a) An Alabama state branch or Alabama state agency of a foreign bank licensed under this article may receive deposits, renew time deposits, close loans, service loans, and receive payments on loans and other obligations as an agent for any depository institution affiliate of such foreign bank, including branch, agency, and other offices of the same foreign bank located in other states, generally in accordance with the same terms, conditions, procedures, and requirements that are applicable under the laws and regulations of this state to such agency activities that may be conducted by Alabama state banks.

(b) Notwithstanding any other provision of the laws or regulations of this state, an Alabama state branch or Alabama state agency of a foreign bank acting in this state as an agent in accordance with the provisions of this section shall not be considered to be a branch of such other depository institution affiliate; provided, however, that no Alabama state branch or Alabama agency shall be authorized by this section to act as agent for a branch or agency of an affiliated foreign bank other than the foreign bank which has been licensed to transact business in this state pursuant to this article.

(c) An Alabama state branch or Alabama state agency of a foreign bank licensed under this article may not:

(1) Conduct any activity as an agent under this section which such office is prohibited from conducting as a principal under any applicable federal or state law, including, but not limited to, the acceptance of impermissible deposits; or

(2) As a principal, have an agent conduct any activity under this section which such office is prohibited from conducting under any applicable federal or state law, including, but not limited to, the acceptance of impermissible deposits.

(d) An agency relationship between an Alabama state branch or Alabama state agency of a foreign bank licensed under this article and a depository institution affiliate of such foreign bank shall in any event be on terms that are consistent with safe and sound banking practices and all applicable regulations and orders of the superintendent.

Section 37. Representative Office of Foreign Banks - Necessity of Licensure.

(a) No foreign bank shall establish or maintain an Alabama representative office unless such foreign bank is licensed by the superintendent to maintain such an Alabama representative office.

(b) Nothing in subsection (a) shall be deemed to prohibit a foreign bank which maintains a federal agency or federal branch in this state from establishing or maintaining one or more Alabama representative offices.

Section 38. Representative Office - Application.

(a) The application for a license to establish and maintain an Alabama representative office shall be in writing under oath and shall be in such form and contain such information as the superintendent may require by regulation or order. The application shall be accompanied by a reasonable fee as the superintendent may establish by regulation.

(b) The superintendent shall require a foreign bank to include as part of its application to establish and maintain an Alabama representative office an instrument irrevocably appointing the superintendent and his or her successors in office to be such foreign bank's agent, representative, and attorney to receive service of any lawful process in any proceeding against such foreign bank or any of its successors which arises out of a transaction with its Alabama representative office, with the same force and validity as if served on the foreign bank or its successor, as the case may be. Such appointment shall be in such form and contain such information as the superintendent may require by regulation or order.

Section 39. Representative Office - Factors for Approval of Application.

(a) A foreign bank making an application for a license to establish and maintain an Alabama representative office shall deliver to the superintendent two, or more as the superintendent may require by regulation, duplicate originals of the foreign bank's application.

(b) The superintendent shall issue a license to a foreign bank to establish and maintain an Alabama representative office if he or she finds that:

(1) The foreign bank is of good character and sound financial standing;

(2) The management of the foreign banks and the proposed management of the Alabama representative office are adequate; and

(3) The convenience and needs of persons to be served by the proposed Alabama representative office will be promoted.

(c) If the superintendent determines to issue a license to a foreign bank to establish and maintain an Alabama representative office, he or she shall, when all fees have been paid as required under this article:

(1) Endorse on each duplicate original of the application the word "Filed," and the date of the filing thereof and return to the foreign bank one such duplicate original so endorsed;

(2) File in his or her office one of such duplicate originals of the application; and

(3) Issue a license to establish and maintain an Alabama representative office to such foreign bank.

(d) Each license issued to a foreign bank to establish and maintain an Alabama representative office shall state fully the name of the foreign bank to which such license is issued, the address or addresses at which such Alabama representative office is to be located and all such other information as the superintendent may require by regulation.

Section 40. Representative Office - Permissible Activities.

(a) A foreign bank which is licensed to establish and maintain an Alabama representative office may, subject to such regulations as the superintendent may prescribe, engage in the following activities:

(1) Solicitation for loans and in connection therewith the assembly of credit information, making of property inspections and appraisals, securing of title information, preparation of applications for loans including making recommendations with respect to action thereon, solicitation of investors to purchase loans from the foreign bank, and the search for such investors to contract with the foreign bank for servicing of such loans;

(2) The solicitation of new business;

(3) The conduct of research; and

(4) Back office administrative functions as may be more specifically defined in regulations issued by the superintendent.

Any other activity which the foreign bank seeks to conduct at such office shall be subject to the prior written approval of the superintendent by general regulation or upon application in such form as the superintendent shall require by regulation or order.

(b) Notwithstanding subsection (a), an Alabama representative office may engage in credit approval activities provided that the foreign bank (i) give 45 days prior written notice to the superintendent; and (ii) the superintendent does not object within such 45-day period to the conduct of such activities by the Alabama representative office. Written notice under this subsection (b) shall be in such a form and contain such information as the superintendent shall require by regulation or order.

Section 41. Representative Office - Revocation of License.

The superintendent, after notice and opportunity for a hearing, may revoke a license to establish and maintain an Alabama representative office if he or she finds:

(a) The foreign bank has violated any provision of this article or any other law, rule, or regulation of this state; or

(b) Any fact or condition exists which, if it had existed at the time of the foreign bank's original application for such license, would have resulted in the superintendent's refusal to issue such license to the foreign bank.

Section 42. Posting of License.

Each foreign bank which is licensed to establish and maintain an Alabama state branch, Alabama state agency, or Alabama representative office shall post its license in a conspicuous place at such office.

Section 43. Licenses Not Transferable.

No license issued by the superintendent in accordance with this article shall be transferable or assignable.

Section 44. Appointment of Superintendent as Agent for Service of Process.

(a) A foreign bank which is licensed to establish and maintain an Alabama state branch, Alabama state agency, or Alabama representative office shall file with the superintendent an instrument irrevocably appointing the superintendent and his or her successors in office to be such foreign bank's agent, representative, and attorney to receive service of any lawful process in any judicial or administra-

tive proceeding against the foreign bank or any of its successors which arises out of the foreign bank's activities in this state after such appointment has been filed, with the same force and validity as if served directly on the foreign bank or its successor, as the case may be. Such appointment shall be in such form and contain such information as the superintendent may require by regulation or order.

(b) Any foreign bank which establishes an Alabama state branch, Alabama state agency, or Alabama representative office and which has not filed with the superintendent an instrument pursuant to subsection (a) of this section shall be deemed by the establishment of such office to have appointed the superintendent as its agent, representative, and attorney to receive service of any lawful process in any judicial or administrative proceeding against the foreign bank or any of its successors which arises out of the foreign bank's activities in this state, with the same force and validity as if served directly on the foreign bank or its successor, as the case may be.

Section 45. Service of Process.

(a) Service of any lawful process in any judicial or administrative proceeding against the foreign bank or any of its successors which arises out of the foreign bank's activities in this state shall be made on the superintendent by delivering to and leaving with him or her, or with any official having charge of his or her office, duplicate copies of such process, notice, or demand. If any process, notice, or demand is served on the superintendent, he or she shall immediately cause a copy thereof to be forwarded by registered mail addressed to such foreign bank at its principal office as the same appears in his or her records. Any service so had on the superintendent shall be returnable in not less than 30 days.

(b) Nothing in this article limits or affects the right to serve any process, notice, or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

(c) The superintendent shall keep a record of all processes, notices, and demands served upon him or her under this section and shall record therein the time of such service and his or her action with reference thereto.

Section 46. Filing of Amendments to Articles of Incorporation.

A foreign bank which is licensed to maintain an Alabama state branch or Alabama state agency, whenever its articles of incorporation are amended, shall forthwith file in the office of the superintendent a copy of such amendment duly authenticated by the proper officer of the country of such foreign bank's organization, but the filing thereof may not of itself enlarge or alter the purpose or purposes for which such foreign bank is authorized to pursue in the transaction of its business in this state, nor authorize such foreign bank to transact business in this state under any name other than the name set forth in its license, nor extend the duration of its corporate existence.

Section 47. Amended License to Establish and Maintain a Branch or Agency.

(a) A foreign bank which is licensed to establish and maintain an Alabama state branch or Alabama state agency must secure an amended license if it changes its corporate name, changes the duration of its corporate existence, or desires to pursue in this state other or additional purposes than those set forth in its prior application under this article for a license, by making application therefor to the superintendent.

(b) The requirements with respect to the form and contents of an application under subsection (a), the manner of its execution, the filing of duplicate originals thereof with the superintendent, the issuance of an amended license and the effect thereof shall be the same as in the case of an initial application for a license to establish and maintain an Alabama state branch or Alabama state agency.

Section 48. Change of Control of Foreign Bank.

A foreign bank which is licensed to establish and maintain an Alabama state branch, Alabama state agency, or Alabama representative office shall file with the superintendent a notice, in such form and containing such information as the superintendent may prescribe, no later than 14 calendar days after such foreign bank becomes aware of any acquisition of control of such foreign bank or merges with another foreign bank.

Section 49. Relocation of Office; Written Notice Necessary.

(a) No foreign bank which is licensed to establish and maintain an Alabama state branch, Alabama state agency, or Alabama representative office shall relocate any such office unless the foreign bank provides prior written notice to the superintendent and the superintendent shall have approved such relocation.

(b) Written notice provided by a foreign bank under this section shall be in such form and contain such information as the superintendent shall require by regulation or order.

Section 50. Examination; Payment of Fees.

(a) An Alabama state branch, Alabama state agency, or Alabama representative office shall be subject to examination by the superintendent at such intervals and in such a manner as he or she shall establish by regulation or order.

(b) In conducting an examination pursuant to this section, the superintendent shall:

(1) Have full access to the offices, books, accounts, and records of each office located in this state, as well as all of the books, accounts, and records maintained in this state of any office not located in this state of such foreign bank; and

(2) Have authority to require the attendance of and to examine under oath all persons whose testimony may be required relative to the activities of such office.

(c) A foreign bank which is licensed to establish and maintain an Alabama state branch, Alabama state agency, or Alabama representative office shall be assessed a reasonable fee for the expenses incurred by the superintendent in making an examination of such office. Such fee shall be assessed in an amount and in a manner as the superintendent shall establish by regulation.

(d) A foreign bank which is licensed to establish and maintain an Alabama state branch, Alabama state agency, or Alabama representative office shall be subject to all reasonable fees and expenses in such amounts as the superintendent may require by regulation.

Section 51. Supervision and Enforcement.

(a) The superintendent shall have all of the powers granted to him or her by the laws of this state to the extent appropriate to enable him or her to supervise each Alabama state branch, Alabama state agency, or Alabama representative office.

(b) If, after notice and a hearing, the superintendent finds that any person has violated any provision of this article or of any regulation or order issued under this article, he or she may, in addition to any other remedy or action available to the superintendent under the laws of this state, order such person to pay to the superintendent a civil penalty in such a manner and in such an amount as the superintendent shall determine in accordance with the laws of this state and regulations thereunder.

(c) In order to carry out the purposes under this article, the superintendent may:

(1) Enter into cooperative, coordinating, or information-sharing agreements with any other bank supervisory agency or any organization affiliated or representing one or more bank supervisory agencies;

(2) With respect to periodic examination or other supervision of a foreign bank that maintains an Alabama state branch, Alabama state agency, or Alabama representative office, accept reports of examinations performed by, and reports submitted to, other bank supervisory agencies in lieu of conducting examinations, or of receiving reports, as might otherwise be required under this subchapter;

(3) Enter into joint examinations or joint enforcement actions with any other bank supervisory agency having concurrent jurisdiction over any foreign bank, provided, however, that the superintendent may at any time take any such actions independently if the superintendent determines that such actions are necessary or appropriate to carry out his or her responsibilities under this article and to ensure compliance with the laws of this state;

(4) Enter into contracts with any bank supervisory agency having concurrent regulatory or supervisory jurisdiction over a foreign bank maintaining an Alabama state branch, Alabama state agency, or Alabama representative office, to engage the services of such agency's examiners at a reasonable rate of compensation or provide the services of the superintendent's examiners at a reasonable rate of compensation, which contract shall be deemed a sole source, one vendor and one supplier contract under the procurement laws of this state and shall be exempt from competitive bidding requirements; and

(5) Assess supervisory and examination fees that shall be payable by foreign banks maintaining an Alabama state branch, Alabama state agency, or Alabama representative office in connection with the superintendent's performance of his or her duties under this article and in accordance with regulations adopted by the superintendent.

(d) Supervisory or examination fees assessed by the superintendent in accordance with the provisions of this article may be shared with other bank supervisory agencies or any organizations affiliated with or representing one or more bank supervisory agencies in accordance with agreements between the superintendent and such agencies or organizations.

Section 52. Reports.

(a) Each foreign bank which is licensed to establish and maintain an Alabama state branch, Alabama state agency, or Alabama representative office shall file with the superintendent such reports as and when the superintendent may require by regulation or order.

(b) Each report filed with the superintendent under this article or under any regulation or order issued under this article shall be in such form and contain such information, shall be signed in such manner, and shall be verified in such manner, as the superintendent may require by regulation or order.

Section 53. Confidentiality of Examination Reports.

(a) All reports of examinations and investigations, correspondence, and memoranda concerning or arising out of such examinations and investigations, including any duly authenticated copy or copies thereof in the possession of any foreign bank, shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the public advantage will be served by the publication thereof, in which event the superintendent may publish or authorize the publication of a copy of any such report or any part thereof in such manner as may be deemed proper.

(b) For the purposes of this section, reports of examination shall include reports of examinations conducted by any bank supervisory agency which are considered confidential by such agency and which are in possession of the superintendent.

Section 54. Books, Accounts, and Records.

Each foreign bank which is licensed to establish and maintain an Alabama state branch, Alabama state agency, or Alabama representative office shall maintain or make available at any such office appropriate books, accounts, and records reflecting (i) all transactions effected by or on behalf of such office and (ii) all actions taken in this state by employees of the foreign banking corporation located in this state to effect transactions on behalf of any office of such foreign bank located outside this state.

Section 55. Separate Assets.

(a) Each foreign bank which is licensed to establish and maintain an Alabama state branch or Alabama state agency in this state shall keep the assets of its business in this state separate and apart from the assets of its business outside this state.

(b) The creditors of a foreign bank arising out of transactions with, and recorded on the books of, its Alabama state branch or Alabama state agency shall be entitled to absolute preference and priority over creditors of such foreign bank offices located outside of Alabama with respect to the assets of such foreign bank's offices in this state.

Section 56. Disclosure of Lack of Deposit Insurance.

Each foreign bank which is licensed to establish and maintain an Alabama state branch or Alabama state agency shall, in a manner established by the superintendent by regulation or order, give notice that deposits and credit balances in such office are not insured by the Federal Deposit Insurance Corporation.

Section 57. Limitations on Payment of Interest on Deposits.

A foreign bank which is licensed to establish and maintain an Alabama state branch or Alabama state agency shall be subject to the same limitations with respect to the payment of interest on deposits as a state bank which is a member of the Federal Reserve System.

Section 58. Pledge of Assets.

(a) Each foreign bank which is licensed to establish and maintain an Alabama state branch or Alabama state agency shall keep on deposit, in accordance with such regulations or orders as the superintendent shall promulgate, with such unaffiliated Alabama banks as such foreign bank may designate and the superintendent may approve, interest-bearing stocks and bonds, notes, debentures, or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States, or of this state, or of a city, county, town, village, school district, or instrumentality of this state or guaranteed

by this state, or dollar deposits, or obligations of the International Bank for Reconstruction and Development, or obligations issued by the InterAmerican Development Bank, or obligations of the Asian Development Bank, or obligations issued by the African Development Bank, or such other assets as the superintendent shall by regulation or order permit, to an aggregate amount to be determined by the superintendent, based upon principal amount or market value, whichever is lower, in the case of the above-described securities, and subject to such limitations as he or she shall prescribe.

(b) The superintendent may from time to time require that the assets deposited pursuant to this section may be maintained by the foreign bank in such amount, in such form and subject to such conditions as he or she shall deem necessary or desirable for the maintenance of a sound financial condition, the protection of depositors and the public interest, and to maintain public confidence in the business of such Alabama state branch or Alabama state agency. The superintendent may give credit to reserves required to be maintained with a federal reserve bank in or outside this state pursuant to federal law, in accordance with such regulations or procedures as the superintendent may promulgate.

(c) So long as it shall continue business in the ordinary course, such foreign bank shall be permitted to collect interest on the securities deposited under this section and from time to time exchange, examine, and compare such securities.

Section 59. Asset Maintenance.

(a) Each foreign bank which is licensed to establish and maintain an Alabama state branch or Alabama state agency shall hold in this state currency, bonds, notes, debentures, drafts, bills of exchange, or other evidences of indebtedness, including loan participation agreements or certificates, or other obligations payable in the United States or in United States funds or, with the prior approval of the superintendent, in funds freely convertible into United States funds, or such other assets as the superintendent shall by regulation or order permit, in an amount which shall bear such relationship as the superintendent shall by regulation or order prescribe to liabilities of such foreign bank payable at or through its Alabama state branch or Alabama state agency, including acceptances, but excluding amounts due and other liabilities to other offices, agencies, or branches of, and wholly owned, except for a nominal number of directors' shares, subsidiaries of, such foreign bank and such other liabilities as the superintendent shall determine.

(b) The superintendent is specifically authorized, in implementing the provisions of this section, to:

(1) Vary the ratio of assets to liabilities for Alabama branches or Alabama agencies, applicable under this section, of certain foreign banks as may be determined by the superintendent in his or her sole discretion to be necessary or desirable to reflect differences among such Alabama branches or Alabama agencies on account of:

(A) The financial condition of Alabama branch or agency offices of the foreign bank,

(B) The financial condition of branch or agency offices of the same foreign bank located in other states,

(C) General economic conditions prevalent in the home country of the parent foreign bank, or

(D) The financial condition of the parent foreign bank itself, including, but not limited to: (i) the financial condition of its branches and agencies located in other countries, (ii) the financial condition of its affiliated bank and nonbank subsidiaries in the United States, and (iii) the financial condition of the foreign bank on a worldwide consolidated basis or in its home country.

(c) For the purposes of this section, the superintendent shall value marketable securities at principal amount or market value, whichever is lower, shall have the right to determine the value of any non-marketable bond, note, debenture, draft, bill of exchange, other evidence of indebtedness, including loan participation agreements or certificates, or of any other asset or obligation held or owed to the foreign bank or its Alabama state branch or Alabama state agency in this state, and in determining the amount of assets for the purpose of computing the above ratio of assets to liabilities, shall have the power by regulation or order to exclude in whole or in part any particular asset.

(d) If, by reason of the existence or the potential occurrence of unusual and extraordinary circumstances, the superintendent deems it necessary or desirable for the maintenance of a sound financial condition, the protection of depositors, creditors, and the public interest, and to maintain public confidence in the business of an Alabama state branch or Alabama state agency, he or she may, subject to such terms and conditions as he or she may prescribe, require such foreign bank to deposit the assets required to be held in this state pursuant to this section with such Alabama banks, as the superintendent may designate.

(e) The assets held to satisfy the assets to liabilities relationship, prescribed by the superintendent pursuant to this section, shall include obligations of any person for money borrowed from a foreign bank holding a license to establish and maintain an Alabama state branch or Alabama state agency only to the extent that the total of such obligations of any person are not more than 10 percent of such assets considered for purposes of this section.

Section 60. Voluntary Closure of Branch, Agency, or Representative Office
- Application.

(a) No foreign bank which is licensed to establish and maintain an Alabama state branch, Alabama state agency, or Alabama representative office shall close such office without filing an application with, and obtaining the prior approval of, the superintendent. An application by a foreign bank under this section shall be in

such form and include such information as the superintendent shall establish by regulation or order.

(b) If the superintendent finds, with respect to an application by a foreign bank under this section, that the closing of such office will not be substantially detrimental to the public convenience and advantage, the superintendent shall approve such application. If the superintendent finds otherwise, he or she shall deny the application.

(c) Whenever an application by a foreign bank under this section has been approved and all conditions precedent to such closing have been fulfilled, such foreign bank may close such office and shall promptly thereafter surrender to the superintendent the license which authorized the foreign bank to maintain the office.

Section 61. Suspension or Revocation of License; Factors.

If, after notice and a hearing, the superintendent finds any of the following with respect to a foreign bank which is licensed to establish and maintain an Alabama state branch or Alabama state agency, he or she may issue an order suspending or revoking the license of such foreign bank:

(a) That the foreign bank has violated any provision of this article or of any regulation or order issued under this article or any provision of any other applicable law, regulation, or order;

(b) That the foreign bank is transacting activities in this state in an unsafe or unsound manner or, in any case, is transacting activities elsewhere in an unsafe or unsound manner;

(c) That the foreign bank or any one or more of its Alabama state branches or Alabama state agencies is in an unsafe or unsound condition;

(d) That the foreign bank has ceased to operate any of its offices in this state without the prior approval of the superintendent in accordance with this article;

(e) That the foreign bank is insolvent in that it has ceased to pay its debts in the ordinary course of business, it cannot pay its debts as they become due, or its liabilities exceed its assets;

(f) That the foreign bank has suspended payment of its obligations, has made an assignment for the benefit of its creditors, or has admitted in writing its inability to pay its debts as they become due;

(g) That the foreign bank has applied for an adjudication of bankruptcy, reorganization, arrangement, or other relief under any foreign or domestic bankruptcy, reorganization, insolvency, or moratorium law, or that any person has

applied for any such relief under such law against the foreign bank and the foreign bank has by any affirmative act approved of or consented to such action or such relief has been granted;

(h) That a receiver, liquidator, or conservator has been appointed for the foreign bank or that any proceeding for such an appointment or any similar proceeding has been initiated in the country of the foreign bank's organization;

(i) That the existence of the foreign bank or the authority of the foreign bank to transact banking business under the laws of the country of the foreign bank's organization has been suspended or terminated; and

(j) That any fact or condition exists which, if it had existed at the time when the foreign bank applied for its license to transact business in this state, would have been grounds for denying such application.

Section 62. Immediate Suspension or Revocation.

If the superintendent finds that any of the factors set forth in Section 61 of this article are true with respect to any foreign bank which is licensed to maintain an Alabama state branch or Alabama state agency and that it is necessary for the protection of the interests of creditors of the foreign bank's business in this state or, in any case, for the protection of the public interest that the superintendent immediately suspend or revoke the license of the foreign bank, the superintendent may issue, without notice or hearing, an order suspending or revoking the license of the foreign bank for a period of up to 90 days, pending investigation or hearing.

Section 63. Seizure of Foreign Bank's Property and Business; Liquidation.

(a) If the superintendent finds that any of the factors set forth in Section 61 of this article are true with respect to any foreign bank which is licensed to establish and maintain an Alabama state branch or Alabama state agency and that it is necessary for the protection of the interests of the creditors of such foreign bank's business in this state or for the protection of the public interest that he or she take immediate possession of the property and business of the foreign bank, the superintendent may by order forthwith take possession of the property and business of the foreign bank in this state and retain possession until the foreign bank resumes business in this state or is finally liquidated. The foreign bank may, with the consent of the superintendent, resume business in this state upon such conditions as the superintendent may prescribe by regulation or order.

(b) At any time within 10 days after the superintendent has taken possession of the property and business of a foreign bank pursuant to subsection (a) of this section, such foreign bank may apply to the circuit court of the county in which the primary office of the foreign bank is located in this state for an order requiring the superintendent to show cause why he or she should not be enjoined from continuing such possession. The court may, upon good cause being shown, direct the superintendent to refrain from further proceedings and to surrender such

possession. The judgment of the court having jurisdiction over any proceedings under this subsection (b) may be appealed by the superintendent or by the foreign bank in the manner provided by law for appeals from a judgment of the circuit court. Where the superintendent appeals the judgment of the circuit court, such appeal shall operate as a stay of the judgment and a reinstatement of the superintendent's possession. The superintendent shall not be required to post any bond.

(c) Whenever the superintendent takes possession of the property and business of a foreign bank pursuant to subsection (a), he or she shall conserve or liquidate the property and business of such foreign bank pursuant to the laws of this state as if the foreign bank were an Alabama state bank, with absolute preference and priority given to the creditors of such foreign bank arising out of transactions with, and recorded on the books of, its Alabama state branch or Alabama state agency over the creditors of such foreign bank's offices located outside this state.

(d) When the superintendent has completed the liquidation of the property and business of a foreign bank, the superintendent shall transfer any remaining assets to such foreign bank in accordance with such orders as the court may issue. However, in case the foreign bank has an office in another state of the United States which is in liquidation and the assets of such office appear to be insufficient to pay in full the creditors of that office, the court shall order the superintendent to transfer to the liquidator of that office such amount of any such remaining assets as appears to be necessary to cover such insufficiency; if there are two or more such offices and the amount of remaining assets is less than the aggregate amount of insufficiencies with respect to the offices, the court shall order the superintendent to distribute the remaining assets among the liquidators of such offices in such manner as the court finds equitable.

SUBCHAPTER D - Alabama Branches of

Out-of-State Foreign Banks

Section 64. Purpose.

This subchapter is intended generally to ensure that interstate state branches of out-of-state foreign banks may be established and operated in this state (i) to the extent consistent with the provisions of Section 5 of the federal International Banking Act and (ii) under terms and conditions that are generally comparable to and no less favorable than those applicable to the establishment of interstate federal branches in this state by out-of-state foreign banks.

Section 65. Establishment of Interstate Branches in this State by Out-of-State Foreign Banks.

(a) Except as provided in subsection (b) of this section, an out-of-state foreign bank may establish an interstate Alabama state branch in the same

manner, including by merger or other transactions under Section 44 of the Federal Deposit Insurance Act, and comparable provisions of the laws of this state, with Alabama banks or other institutions, as, and subject generally to the same criteria, standards, conditions, requirements, and procedures applicable to the establishment of interstate branches in this state by, an out-of-state bank having the same home state in the United States, notwithstanding any provision of the laws or regulations of this state to the contrary.

(b) Notwithstanding the provisions of subsection (a), the superintendent:

(1) Shall apply to the establishment of an initial interstate Alabama state branch, and subsequent intrastate Alabama branches, of any out-of-state foreign bank the same criteria, standards, conditions, requirements, and procedures applicable under Subchapter C of this article or regulations thereunder to the establishment of an initial Alabama state branch, and of subsequent intrastate Alabama branches, respectively;

(2) May apply any other criterion, standard, condition, requirement, or provision of the laws or regulations of this state that is determined by the superintendent to be substantially equivalent to or consistent with a criterion, standard, condition, requirement, or provision of federal law or regulation generally applicable to the establishment of branches in the United States by foreign banks or specifically applicable to the establishment of a branch in the United States by the applicant foreign bank;

(3) May by regulation or order allow an out-of-state foreign bank:

(A) To acquire an individual branch of any "insured bank" within the meaning of Section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(h)), or of any other depository institution, including another foreign bank, without acquiring the entire bank or other institution; or

(B) To acquire or merge with another foreign bank maintaining an Alabama branch or agency and thereafter continue such operations as its own; and

(C) To acquire or establish an interstate Alabama branch through any other means not inconsistent with Section 5 of the federal International Banking Act (12 U.S.C. § 3103).

Section 66. Section 5-1A-1, Code of Alabama 1975, is amended to read as follows:

"§5-1A-1.

"Chapters 1A through 42A 13B and Chapter 20 of this title shall be known and may be cited as the "Alabama Banking Code." ~~It shall also be known and may be cited as the "Gulledge-Cates Banking Reform Act of 1980."~~

Section 67. Section 5-1A-6, Code of Alabama 1975, is amended to read as follows:

"§5-1A-6.

"Insofar as the provisions of chapters 1A through ~~42A~~ 13B and Chapter 20 of this title are inconsistent with the provisions of any other law, general or special, the provisions of chapters 1A through ~~42A~~ 13B and Chapter 20 of this title shall be controlling."

Section 68. Section 5-2A-2, Code of Alabama 1975, is amended to read as follows:

"§5-2A-2.

"The state banking department shall locate and maintain its principal office in the city of Montgomery, Alabama, from which place it shall perform its duties and transact its business. Unless otherwise provided in chapters 1A through ~~42A~~ 13B and Chapter 20 of this title, all actions in which the superintendent, the banking department or its employees, the banking board or its members are named or joined ~~must~~ shall be brought in the circuit court of Montgomery county."

Section 69. Section 5-2A-8, Code of Alabama 1975, is amended to read as follows:

"§5-2A-8.

"The superintendent may, with the concurrence of a majority of the members of the state banking board, promulgate such reasonable regulations, consistent with the laws of this state, as may be necessary to carry out the provisions of chapters 1A through ~~42A~~ 13B and Chapter 20 of this title over which the state banking department has jurisdiction. The superintendent shall, in addition, issue written interpretations of banking laws and regulations. Any bank and any officer or director thereof relying on any regulation or interpretation shall be fully protected even though the same shall be thereafter ruled invalid for any reason by a court of competent jurisdiction."

Section 70. Section 5-2A-23, Code of Alabama 1975, is amended to read as follows:

"§5-2A-23.

"The attorney general without additional compensation shall render to the state banking department such legal services as the superintendent may request. The district attorney in each county in this state, when requested by the superintendent, shall as a part of his or her official duty and without compensation, represent the superintendent in any civil action that the superintendent may desire to bring, or that may be brought against the superintendent under the provisions of

chapters 1A through ~~12A~~ 13B and Chapter 20 of this title, in his or her respective circuit or county."

Section 71. Section 5-5A-18.1, Code of Alabama 1975, is amended to read as follows:

"§5-5A-18.1.

"Subject to the prior approval of the superintendent of banks of Alabama, state banks may make any loan or investment or exercise any power which they could make or exercise if incorporated or operating in this state as a federally chartered or regulated bank and shall be entitled to all rights, privileges, and protections granted or available to federally chartered or regulated banks under federal statutes and regulations. The provisions of this section shall take priority over, and be given effect over, any other general or specific provisions of the Alabama law relating to banking ~~code to the contrary, provided that nothing in this section shall nor is intended to allow for an increase or decrease of the current power and authority of a state bank to do business in the area of an insurance agency or insurance company, or of a real estate brokerage, management, syndication, or development company.~~ The superintendent shall consider the importance of maintaining a competitive dual banking system and whether such an order is in the public interest."

Section 72. Section 5-5A-20, Code of Alabama 1975, is amended to read as follows:

"§5-5A-20.

"(a) ~~No bank, or any officer, agent or director thereof, shall be permitted to~~ Alabama banks may establish a branch or office for the transaction of the banking business within the State of Alabama upon prior approval of the Superintendent of Banks. Alabama banks may establish a branch or office for the transaction of a banking business in any state other than Alabama, any territory of the United States, or in any foreign country in accordance with the provisions of federal law, the laws of the other state, territory, or foreign country and upon the prior approval of the Superintendent of Banks. ~~other than at the principal place of business, in any county in this state, except as has been heretofore or which may hereafter be provided by local laws or general laws of local application. All existing branch banks are hereby validated.~~

"~~Provided, however, the superintendent of banks may authorize the opening of a branch in any county if the superintendent of banks deems it necessary to protect the public where any bank, state or national, has been closed, is in danger of closing, or otherwise is involved in severe financial condition threatening the stability of a significant number of banks or banks possessing significant financial resources if the bank opening such branch purchases certain assets and assumes the deposit liabilities of the closed or endangered bank.~~

~~"Automated teller machines, the establishment of which might otherwise be limited by law, shall not be subject to the restrictions imposed by this section or by any other provision of law restricting branch banking, so long as the use thereof is offered for sharing with other banks having their principal place of business in Alabama, and the automated teller machine is located within a county or a portion of a county in which the bank owning the same has established or could establish a branch bank under the branch banking laws of this state.~~

~~"(b) All laws or parts of laws, whether general, local or general laws of local applications, which conflict with this section are hereby repealed to the extent of such conflict, including, but not limited to, any part of any such laws which restrict the authority of the superintendent under section 5-2A-7, provided that except to the extent necessary to give effect to the provisions of this section, no general or local law or general law of local application shall be deemed to have been modified or impaired by this section."~~

Section 73. Section 5-6A-25, Code of Alabama 1975, is amended to read as follows:

"§5-6A-25.

"Any director, officer, or employee of a bank who knowingly, by newspaper advertisement or otherwise, represents its capital to be in excess of the actual capital accounts or knowingly concurs in making or publishing any materially false written report, exhibit, or statement of its financial condition, making any material statement which is false, or refuses or intentionally neglects to make any report or statement required by chapters 1A through 42A 13B and Chapter 20 of this title is guilty of a felony."

Section 74. Chapter 13A and Section 5-7A-45, Code of Alabama 1975, are repealed.

Section 75. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 76. The provisions of Sections 1 through 11 and Sections 66 through 75 of this act shall become effective September 29, 1995, and the remainder of this act shall become effective May 31, 1997, after passage of this act and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

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And the bill:

H. 325. Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon

approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 181, was adopted.

Yeas 91; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Hayden.

- 1

And the bill:

H. 181. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 181:

Representatives Baker, Bandy, Black (M), Box, Carothers, Clark (J), Clouse, Crigler, Drake, Dukes, Flowers, Ford, Fuller, Gipson, Hawk, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Moore, Morrow, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, White and Willis.

BILLS ON THIRD READING CONTINUED

The House then proceeded with the consideration of the bills on the Regular Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 25, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-88

And the bill:

H. 25. To amend Sections 36-1A-3, 36-1A-4, and 36-1A-6 of the Code of Alabama 1975, relating to the Alabama State Employee Combined Charitable Campaign Act; to provide further for definitions; to provide further for the state employee campaign steering committee duties; and to provide for the distribution of undesignated contributions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard,

Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Hooper, the bill, H. 126, and the pending Budget Isolation Resolution offered by him on the third legislative day were temporarily carried over in accordance with House Rule 21.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 219, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Clark (W), Buskey, Mitchell and Kennedy:

H.R. 101. HONORING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 114TH BIRTHDAY.

Also:

The following resolution was introduced:

By Representative Parker (P):

H.J.R. 102. NAMING THE FERRELL D. CLEMONS GYMNASIUM OF SPARKMAN ELEMENTARY SCHOOL.

The resolution, H.J.R. 102, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Dolbare:

H.R. 103. COMMENDING PEGGY TILLMAN FOR OUTSTANDING CONTRIBUTIONS TO EDUCATION.

Also:

By Representative Dolbare:

H.R. 104. COMMENDING CLYDINE CHANEY FOR OUTSTANDING CONTRIBUTIONS TO EDUCATION.

Also:

By Representative Dolbare:

H.R. 105. COMMENDING PRISCILLA LEWIS FOR OUTSTANDING CONTRIBUTIONS TO EDUCATION.

Also:

By Representative Dolbare:

H.R. 106. COMMENDING SYLVIA BERN FOR OUTSTANDING CONTRIBUTIONS TO EDUCATION.

Also:

By Representative Dolbare:

H.R. 107. COMMENDING PERRY TURNER FOR OUTSTANDING CONTRIBUTIONS TO EDUCATION.

Also:

The following resolution was introduced:

By Representative Guin:

H.R. 108. PETITIONING THE U. S. CONGRESS TO INCREASE THE ALLOWABLE ASSET LIMITS FOR ELIGIBILITY FOR NURSING HOME CARE UNDER MEDICARE.

The resolution, H.R. 108, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Thomas (D):

H.R. 109. COMMENDING STEVEN WESLEY WADDELL OF PELL CITY, ALABAMA, ON HIS ACHIEVEMENT OF THE RANK OF EAGLE SCOUT.

Also:

By Representatives Morrison and Drake:

H.R. 110. HONORING CLARENCE JORDAN FOR OUTSTANDING CONTRIBUTIONS TO THE MEMBERS OF THE BOARD OF CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP.

Also:

By Representatives Morrison and Drake:

H.R. 111. HONORING ROBERT PARTRIDGE FOR OUTSTANDING CONTRIBUTIONS TO THE MEMBERS OF THE BOARD OF CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP.

4th Day

Also:

By Representatives Morrison and Drake:

H.R. 112. HONORING BILLY CUTCHER FOR OUTSTANDING CONTRIBUTIONS TO THE MEMBERS OF THE BOARD OF CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP.

Also:

By Representatives Morrison and Drake:

H.R. 113. HONORING KENNETH JONES FOR OUTSTANDING CONTRIBUTIONS TO THE MEMBERS OF THE BOARD OF CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP.

Also:

By Representatives Morrison and Drake:

H.R. 114. HONORING RONALD JONES FOR OUTSTANDING CONTRIBUTIONS TO THE MEMBERS OF THE BOARD OF CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP.

Also:

By Representatives Morrison and Drake:

H.R. 115. HONORING JAY QUATTLEBAUM FOR OUTSTANDING CONTRIBUTIONS TO THE MEMBERS OF THE BOARD OF CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP.

Also:

By Representatives Morrison and Drake:

H.R. 116. HONORING FULTON HEATHERLY FOR OUTSTANDING CONTRIBUTIONS TO THE MEMBERS OF THE BOARD OF CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP.

Also:

By Representatives Morrison and Drake:

H.R. 117. HONORING DAVID HEMBREE FOR OUTSTANDING CONTRIBUTIONS TO THE MEMBERS OF THE BOARD OF CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP.

Also:

By Representatives Morrison and Drake:

H.R. 118. HONORING LARRY WEAVER FOR OUTSTANDING CONTRIBUTIONS TO THE MEMBERS OF THE BOARD OF CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP.

Also:

By Representatives Morrison and Drake:

H.R. 119. COMMENDING ELTON HALL FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 120. COMMENDING ALBERT PARTRIDGE FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 121. COMMENDING HOMER COX FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 122. COMMENDING DENNIS JOHNSON FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 123. COMMENDING JAMES FIELD FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 124. COMMENDING J. W. HICKS FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 125. COMMENDING HERMAN REID FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 126. COMMENDING JERRY GALIN FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 127. COMMENDING DIANNE RICHARD FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 128. COMMENDING ARNICE WEEKS FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representatives Morrison and Drake:

H.R. 129. COMMENDING TOMMY HOWARD FOR OUTSTANDING CONTRIBUTIONS TO THE CULLMAN ELECTRIC COOPERATIVE OPERATION ROUND UP BOARD OF DIRECTORS.

Also:

By Representative Knight (A):

H.R. 130. MOURNING THE DEATH OF SALLYE RIGSBY OF HELENA, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 28. PROVIDING FOR A RECESS OF BOTH HOUSES OF THE LEGISLATURE FROM NOON UNTIL 1:30 P.M. ON MAY 4, 1995, TO OBSERVE THE 1995 NATIONAL DAY OF PRAYER.

Also:

S.J.R. 29. REQUESTING AND STRONGLY RECOMMENDING THE ALABAMA BUILDING RENOVATION FINANCE AUTHORITY TO PROVIDE PERMANENT SECURITY FOR ALL EXTERIOR ENTRANCES AND ACCESSSES OF THE ALABAMA STATE HOUSE BUILDING.

Also:

S.J.R. 31. DENOUNCING THE RECENT ACT OF TERRORISM IN OKLAHOMA CITY, OKLAHOMA.

Also:

S.J.R. 32. COMMENDING THE LEE-SCOTT ACADEMY FOOTBALL TEAM OF AUBURN, ALABAMA, AS THE 1994 STATE CLASS 3A CHAMPIONS.

Also:

S.J.R. 33. HONORING THE CHIROPRACTIC PROFESSION ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY.

Also:

S.J.R. 34. HONORING JACK L. WALTON FOR OUTSTANDING SERVICE.

Also:

S.J.R. 35. NAMING THE LYCEUM BUILDING AT NORTHEAST ALABAMA STATE COMMUNITY COLLEGE, "THE TOM BEVILL LYCEUM BUILDING."

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchem:

S.J.R. 43. COMMENDING MAYLOND T. BISHOP OF ARAB, ALABAMA, FOR DISTINGUISHED SERVICE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 43, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 53. To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

TOMMY CARTER
Chairman

And the bill, H. 53, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bedford:

S. 1. To require the Department of Corrections to develop and implement a statewide program of manual labor for all able-bodied inmates within six months after the effective date of this bill, and whenever possible, to work in conjunction with local governments to develop a community-based manual labor work program for inmates; to provide that the program would emphasize the removal of litter from the highways of this state, the cleaning of unauthorized dumps and public cemeteries, the growing and raising of food for use by inmates or for sale to reduce the costs of incarceration to the taxpayers, the cleaning and maintenance of public parks, or municipal, county, or state property; to provide for exemptions; to authorize the department to devise work incentive credits for inmates; to provide that the work incentive credits would be reported to the State Board of Pardons and Paroles; and to provide that any inmate who refuses to work or comply with the department's behavior standards would be reported to the State Board of Pardons and Paroles.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 1. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom:

S. 225. To amend Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, to provide further for the plan for linked deposits administered by the Office of the State Treasurer.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 225. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 214. Providing for distinctive motor vehicle license tags or plates for supporters of the United States Olympic Committee and the Alabama Sports Foundation to commemorate the 1996 Olympic Games; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; providing for an expiration date for the manufacture of the tags or plates; and providing for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 214. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler:

S. 211. To amend Section 34-23-33, Code of Alabama 1975, to provide further for certain prohibited acts and offenses for licensed pharmacists and the disciplinary authority of the board of pharmacy.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 211. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Bedford and Smitherman:

S. 77. To amend Section 12-16-9 of the Code of Alabama 1975, relating to sequestering of a jury in capital and non-capital felony cases; to allow the court to permit the jury to separate in capital cases.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 77. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hale:

S. 205. To amend Section 11-43-144, Code of Alabama 1975; to provide further for compensation for death or disability of fire fighters from occupational diseases.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 205. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 256. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, pertaining to written policies for teachers so as to further provide for written policies and input by education support personnel as well as teachers.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 256. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 19. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 19. Judiciary.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 325. Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama

state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

TOMMY CARTER
Chairman

And the bill, H. 325, as engrossed, was ordered sent to the Senate.

RECESS

The hour of 12:00 o'clock Noon o'clock having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Johnson (E):

H.R. 131. COMMENDING ALICE GLORIA GRAHAM BEACHER FOR OUTSTANDING ACHIEVEMENTS.

BILLS ON THIRD READING RESUMED

And the bill:

H. 219. Relating to material or fraudulent misrepresentations, omissions, concealment of fact, and dishonest acts or omissions by an insurance agent who sells life and health insurance; to further provide for the regulation of insurance agents who sell life and health insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

was taken up.

AMENDMENT OFFERED

Representative Rogers (M) offered the following amendment to the bill, H. 219:

On page 2, on line 15, after "subsection (1)" delete on lines 16 and 17 the following: "actual knowledge by management of the insurer," and insert in lieu thereof the following: the management of the insurer reasonably should have known

On page 8, in subsection (c) on line 2 after the word "violation" insert the following: the management of the insurer reasonably should have known or

On page 10, on line 10, after the word "official" insert the following: reasonably should have known or

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Rogers (M) to the bill, H. 219, was tabled.

Yeas 51; Nays 27.

Yea:

Mr. Speaker, Box, Burke, Carothers, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Galliher, Gaston, Hall (A), Hamilton, Hammett, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Knight (A), Laird, Layson, Letson, McDaniel, McKee, McMillan, Melton, Millican, Newton (C), Papucci, Parker (T), Penry, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Turner, Turnham, Vance, Warren, White and Willis.

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Nay:

Representatives Allen, Bandy, Black (L), Black (M), Buskey, Clark (W), Dolbare, Drake, Graham, Hall (L), Haney, Hayden, Hilliard, Holmes, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Lindsey, McAdory, Mitchell, Moore, Morrison, Newton (D), Rogers (M) and Thomas (D).

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AMENDMENT OFFERED

Representative Haney offered the following amendment to the bill, H. 219:

To amend H. 219 on page 11 by deleting lines 19 through 22 in their entirety and inserting in lieu thereof the following: "actual costs shall be paid directly to the State General Fund."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Townsend, Turner, Turnham, Vance, Warren and Willis.

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Nay:

Representative Morrison.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morrison intended to vote "Yea" on adoption of the amendment offered by Representative Haney to the bill, H. 219.

AMENDMENT OFFERED

Representative Black (M) offered the following amendment to the bill, H. 219, as amended:

On page 2, on line 15, after "subsection (1)" delete on line 17 after the word "actual" insert the following: or constructive

On page 8, in subsection (c) on line 2 after the word "violation" insert the following: the management had constructive knowledge or

On page 10, on line 10, after the word "official" insert the following: had constructive knowledge or

AMENDMENT TABLED

On motion of Representative Hammett, the amendment offered by Representative Black (M) to the bill, H. 219, as amended, was tabled.

Yeas 67; Nays 19.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-67

Nay:

Representatives Bandy, Black (M), Buskey, Clark (W), Dolbare, Drake, Graham, Guin, Hayden, Hilliard, Hogan, Holmes, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell and Rogers (M).

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And the bill:

H. 219. Relating to material or fraudulent misrepresentations, omissions, concealment of fact, and dishonest acts or omissions by an insurance agent who sells life and health insurance; to further provide for the regulation of insurance agents who sell life and health insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 14.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (M), Buskey, Clark (W), Dolbare, Drake, Fuller, Hilliard, Holmes, Kennedy, Knight (J), McAdory, McClammy and Mitchell.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 230, was adopted.

Yeas 60; Nays 14.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Smith, Townsend, Turnham, Vance, Venable, Warren and Wren.

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Nay:

Representatives Bandy, Black (L), Buskey, Clark (W), Hayden, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Mitchell, Newton (D) and Page.

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MOTION TO ADJOURN LOST

The motion offered by Representative Clark (W) that the House adjourn until 1:00 o'clock p.m., Tuesday, May 9, 1995, was lost.

Yeas 25; Nays 63.

Yea:

Representatives Bandy, Black (L), Black (M), Buskey, Clark (W), Crigler, Dolbare, Drake, Dukes, Graham, Hayden, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Newton (D), Reed, Spratt and Turner.

-25

Nay:

Mr. Speaker, Allen, Baker, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Flowers, Ford, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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BILLS ON THIRD READING RESUMED

And the bill:

H. 230. To establish an anti-fraud unit within the Workers' Compensation Division of the Department of Industrial Relations to investigate complaints.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 12.

Yea:

Mr. Speaker, Allen, Box, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (M), Buskey, Clark (W), Drake, Hayden, Holmes, Houston, Kennedy, McAdory, Mitchell and Reed.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Turner intended to vote "Yea" on passage of the bill, H. 230.

MOTION TO ADJOURN LOST

The motion offered by Representative Reed that the House adjourn until 1:00 o'clock p.m., Tuesday, May 9, 1995, was lost.

Yeas 25; Nays 63.

Yea:

Representatives Bandy, Black (L), Buskey, Clark (W), Crigler, Dean, Drake, Dukes, Graham, Hawk, Hayden, Holmes, Houston, Jackson, Johnson (E), Kennedy, Lindsey, McClammy, Mitchell, Newton (C), Newton (D), Parker (T), Reed, Spratt and Turner.

-25

Nay:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Layson, Letson, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

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BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 202, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McClammy, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Johnson (E):

H.R. 132. COMMENDING THE SENIOR CITIZENS COALITION.

H. 202 TAKEN UP

And the bill:

H. 202. (With Amendment): To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority is required to lay off all contracted and appointed employees before laying off any merit system employee in the classified service.

was taken up.

SUBSTITUTE OFFERED

Representative Wren offered the following substitute to the bill, H. 202, and to the pending amendment reported by the Standing Committee on State Administration:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority is required to lay off all contracted and appointed employees before laying off any merit system employee in the classified service and to provide for certain exceptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-26-26, Code of Alabama 1975, is amended to read as follows:

"§36-26-26.

"(a) In accordance with the rules, an appointing authority may lay off an employee in the classified service whenever he or she deems it necessary by

reason of shortage of work or funds, or the abolition of a position, or other material change in duties or organization. In the event of a layoff, the appointing authority shall lay off all appointed employees or employees under contract before laying off any merit system employee in the classified service. The seniority and service ratings of employees shall be considered, in ~~such~~ the manner as the rules shall provide, among the factors in determining the order of layoffs. The appointing authority shall give written notice to the director of every proposed layoff a reasonable time before the effective date thereof, and the director shall make ~~such~~ any orders relating thereto ~~as he considers~~ that are necessary to secure compliance with the rules. The name of every regular employee so laid off shall be placed on the appropriate reemployment list.

"(b) In addition to any rights currently provided to state employees, any permanent state employee who is laid off from a position under the state merit system shall have priority for any other position in the same class filled from an open competitive register by any appointing authority in accordance with rules adopted by the state personnel board.

"(c) The provisions of this section are supplemental and shall not be construed to repeal any law not in direct conflict."

Section 2. This act shall not apply to the Alabama Judicial System; the Alabama legislative personnel, officers and employees; appointed employees who are vested in the state retirement system; employees of the Alabama State Docks; personnel working in the Governor's office; and the Alabama Commission on Higher Education.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith,

Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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AMENDMENT OFFERED

Representative Box offered the following amendment to the bill, H. 202, as amended:

On page 3, on line 9, after the semicolon, insert the following: offices of all constitutional officers;

AMENDMENT TABLED

On motion of Representative Wren, the amendment offered by Representative Box to the bill, H. 202, as amended, was tabled.

Yeas 64; Nays 14.

Yea:

Representatives Bandy, Black (M), Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Vance, Warren, Willis and Wren.

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Nay:

Representatives Black (L), Box, Clark (W), Graham, Hall (A), Hawk, Jorgensen, Letson, Morrow, Page, Robinson, Smith, Turner and Turnham.

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And the bill:

H. 202. To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority is required to lay off all contracted and appointed employees before laying off any merit system employee in the classified service and to provide for certain exceptions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Turnham, the Budget Isolation Resolution and the bill, H. 92, were temporarily carried over in accordance with House Rule 21.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Flowers, the Budget Isolation Resolution and the bill, H. 27, were temporarily carried over in accordance with House Rule 21.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Flowers, the Budget Isolation Resolution and the bill, H. 120, were temporarily carried over in accordance with House Rule 21.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Guin, the Budget Isolation Resolution and the bill, H. 77, were temporarily carried over in accordance with House Rule 21.

H. 66 AGAIN TAKEN UP

And the bill, H. 66, and the pending substitute offered by Representative Page and the pending committee amendment, which were previously temporarily carried over were again taken up.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Page to the bill, H. 66, and to the pending committee amendment, and the substitute was adopted.

Yeas 82; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives McKee, McMillan, Papucci and Sims.

- 4

And the bill:

H. 66. To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt,

Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Gaston, Hall (A), McKee, McMillan, Papucci and Sims.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:35 A.M. on May 4, 1995.

H.J.R. 27	H.J.R. 14
H.J.R. 31	H.J.R. 18
H.J.R. 32	H.J.R. 20
H.J.R. 33	H.J.R. 21
H.J.R. 45	H.J.R. 22
H.J.R. 47	H.J.R. 23
H.J.R. 48	H.J.R. 24
H.J.R. 49	H.J.R. 9
H.J.R. 50	H.J.R. 17
H.J.R. 51	H.J.R. 30
H.J.R. 6	H.J.R. 70

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Clark (W), the House adjourned until 1:00 o'clock p.m., May 9, 1995.

FIFTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, May 9, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative George Bandy.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lee Williams, 6th Grade, Horseshoe Bend High School, Alex City, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with.

REPORT FILED

Pursuant to Act 94-598, Regular Session the 1994 Legislature, Mr. Robert Crowder, Chairman, submitted the Report of the Alabama Local Government Training Institute, and the report was ordered filed.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, May 11, 1995, and the motion was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 66. To amend Sections 17-7-1, 17-8-2.1, and 17-16-40, Code of Alabama 1975, to provide further for including the names of candidates and political parties on the general election ballot.

TOMMY CARTER
Chairman

And the bill, H. 66, as engrossed, was ordered sent to the Senate.

NOTICE IN WRITING FILED

Representative Knight (J) filed the following Notice in Writing:

In accordance with House Rule 30 and having voted on the prevailing side by which H.R. 97 passed, I move to reconsider said vote.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 5. COMMENDING THE HAZEL GREEN LADY TROJANS ON THE 1994-1995 STATE CLASS 5A BASKETBALL CHAMPIONSHIP.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 5.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 6. COMMENDING THE MADISON COUNTY BUCKHORN HIGH SCHOOL BUCKS ON THEIR STATE 5A BASKETBALL CHAMPIONSHIP.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 6.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 95. MOURNING THE DEATH OF BERTHA CANNON PERRYMAN OF CAMDEN, ALABAMA.

WHEREAS, it is with deepest sorrow and regret that the Legislature of Alabama records the lamentable death of Mrs. Bertha Cannon Perryman of Camden, Alabama, on July 17, 1994; and

WHEREAS, Mrs. Bertha Cannon Perryman was indeed a lady of true and noble character who left an indelible mark on her community and all who knew her; and

WHEREAS, Mrs. Perryman was educated in the Wilcox County School System and received both her Bachelor and Masters degrees from Alabama State University; and

WHEREAS, as a teacher for 39 years in the Monroe County School System, she was committed to the education and well-being of countless young Black students under her charge, and earned the highest admiration and regard of the entire community as an outstanding educator, a dedicated professional, as an individual; and

WHEREAS, she further ministered to the needs of others as founder of a radio ministry, "The Perryman Spiritual Program," which ran for 14 years until her death; and

WHEREAS, Mrs. Perryman was also a member of the Retired Teachers Association, Pride of Camden #678 Order of the Eastern Star, and Little Rock Baptist Church, where she served as Sunday School teacher; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks for the life and service of Mrs. Bertha Cannon Perryman of Camden, Alabama, and extend heartfelt sympathy to her loving children, Cynthia and Darryl, and other family members and friends, whose sorrow we share, and for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 95, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 40. EXPRESSING SUPPORT FOR JUDGE ROY MOORE.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 40.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 41. Recognizing Mobile Area Water And Sewer Service And Designating National Drinking Water Week.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 41.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 36. RECOGNIZING ALABAMA BANKERS FOR OUTSTANDING CONTRIBUTIONS TO THE ALABAMA COMMUNITY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 36.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 37. COMMENDING HOLLINGER'S ISLAND SCHOOL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 37.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 39. COMMENDING G. MACK ROBERTS FOR OUTSTANDING SERVICE.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 39.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 102. NAMING THE FERRELL D. CLEMONS GYMNASIUM OF SPARKMAN ELEMENTARY SCHOOL.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature hereby names the new Sparkman Elementary School gym as the Ferrell D. Clemons Gymnasium; and

WHEREAS, Principal Ferrell D. Clemons has served Sparkman Elementary School for 29 years, and will begin his new duties as Superintendent of Morgan County Schools on July 1, 1995; and

WHEREAS, on May 16, 1995, friends and associates will gather at a ceremony hosted by the Sparkman Parent Teacher Organization to honor the tremendous accomplishments and service of Ferrell D. Clemons, and to wish him the best of luck in his new position; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name the new gymnasium of Sparkman Elementary School as the Ferrell D. Clemons Gymnasium, in tribute to Sparkman's departing principal, Ferrell D. Clemons, and furthermore direct that a copy of this resolution be presented to him as evidence of our appreciation and esteem.

On motion of Representative Carter, the resolution, H.J.R. 102, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 108. PETITIONING THE U. S. CONGRESS TO INCREASE THE ALLOWABLE ASSET LIMITS FOR ELIGIBILITY FOR NURSING HOME CARE UNDER MEDICARE.

WHEREAS, the maximum allowable asset levels under which an individual must qualify for eligibility for nursing home care under the Medicare program requires an individual to exhaust his or her modest assets, in many cases, in order to qualify for benefits; and

WHEREAS, these excessively low eligibility limits discourage and penalize an individual from using sound and prudent money management and savings practices; and

WHEREAS, the obscenely high medical care cost associated with a final illness or a long-term nursing care situation for an individual is a national disgrace; and

WHEREAS, the unreasonably low asset eligibility levels place an unfair and undue burden on individuals who must "spend down" their life savings just to be able to receive needed nursing care, a situation that is both humiliating and abhorrent to the individual; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby petition the U. S. Congress to increase the allowable asset limit to \$10,000 for individual eligibility for nursing home care under the Medicare system.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama Delegation to the U.S. Congress.

On motion of Representative Carter, the resolution, H.R. 108, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 43. COMMENDING MAYLOND T. BISHOP OF ARAB, ALABAMA, FOR DISTINGUISHED SERVICE.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 43.

BILLS ON SECOND READING

Representative Holmes, Chairperson of the Standing Committee on Local Legislation No. 5, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 31. Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officials for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number

of voting machines. This shall be in addition to the compensation established by Section 17-6-13 of the Code of Alabama 1975, as amended.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 418. Relating to Pickens County; providing for the fee for the issuance of pistol permits; providing for the deposit of fees in a fund known as the Sheriff's Pistol Permit Fund; and providing for the use of the fund and repealing Act No. 529, H. 574 of the 1971 Regular Session (Acts 1971, p. 1256) and Act No. 83-551, H. 520 of the 1983 Regular Session (Acts 1983, p. 850).

H. 432. Relating to Washington County; providing for the assessment of an additional fee on all documents submitted for recording in the Probate Court which are subject to a deed or mortgage tax; and providing for the deposit of the funds into the Washington County General Fund on a monthly basis to be used for general county purposes including, but not limited to, computerization of county courthouse functions.

NOTICE IN WRITING FILED

Representative Wren filed the following Notice in Writing:

In accordance with House Rule 30 and having voted on the prevailing side by which H. 202 passed, I move to reconsider said vote.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Starkey:

H. 445. Proposing an amendment to the Constitution of Alabama of 1901, to authorize the levy of a minimum local ad valorem tax for school purposes in each local school system in the state and to provide the procedure to further increase local ad valorem taxes in local school systems; to allow the repeal of taxes, except ad valorem taxes in effect on January 1, 1995, that are earmarked for education after the 2010-2011 fiscal year; to provide that all school taxes levied pursuant to the constitution shall be disregarded in determining whether ad valorem taxes levied with respect to any property in the state exceed the limitation imposed by paragraph (i) of Amendment 373; to propose an amendment to Section 217, as amended by Amendment 373 of the Constitution of Alabama of 1901, to provide for the assessment of property in three classifications for ad

valorem tax purposes and to change in the assessment ratio of property of utilities and residential rental property for ad valorem tax purposes; to provide a procedure by which there would not be a loss of ad valorem tax revenue as a result of reclassifying public utility and residential rental property and through which the state, county, and local governments would be guaranteed ad valorem tax revenues from public utility and residential rental property that are at least equal to the ad valorem tax revenues that would have otherwise been collected on such property under the law in effect on October 1, 1994; and to provide further for homestead and other exemptions.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Turner:

H. 446. To propose an amendment to the Constitution of Alabama of 1901 that annuls Section 65 thereof and substitutes in lieu of the section so annulled provisions to authorize the legislature to provide by law for a state-operated lottery; to authorize the legislature by law to prohibit or to allow and control gambling by such persons, in such forms and under such conditions as it determines to be in the best interests of the people of the state; to provide that certain provisions of the Constitution shall not restrict the power of the legislature to enact laws to prohibit, authorize, license or regulate gambling or to appropriate proceeds of gambling taxes to charitable or not-for-profit institutions and organizations that are not under the control of the state or other governmental entities; to establish a state improvement fund consisting of an education account and a health and social services account; to provide for the administration of the improvement fund; to provide that the net profits received by the state from the operation of, or participation in, a lottery and the net collections of license, privilege or excise taxes levied by the state for state purposes on casino gambling and related activities shall be paid into the improvement fund and divided equally between the education account and the health and social services account; to specify the purposes for which moneys deposited to the credit of either the education account or the health and social services account may be appropriated by law; and to provide that the provisions of the proposed amendment shall have both retrospective and prospective effect and shall ratify, confirm and validate certain previously enacted laws authorizing a state-operated lottery and providing for the licensure and regulation of casino gaming in the state.

COMMITTEE ON TOURISM, ENTERTAINMENT AND SPORTS

The above bill was read a first time at length as required by the Constitution.

By Representative Turner:

H. 447. To provide for a state lottery and prescribe certain terms and conditions respecting its operation; to make legislative findings with respect to the economic justification for the establishment of a lottery; to create the Alabama Lottery Commission and provide for its composition, powers and duties; to specify certain conditions respecting the appointment and hiring by said commission of officers and employees; to establish certain requirements applicable to vendors providing goods or services to said commission; to establish certain requirements applicable to retail distributors of lottery tickets; to specify certain procedures to be followed with respect to any contract between said commission and any such vendor or retailer; to express the legislature's intent that said commission encourage participation by minority businesses in the operation of the lottery; to appropriate moneys from the state general fund to pay the expenses of establishing and organizing said commission and the other initial costs of implementing the provisions of this act; to provide for the disposition of the net proceeds derived from the operation of the lottery; to provide for the establishment of a scholarship program that will be funded out of the net proceeds of the lottery in an amount not to exceed \$25,000,000 for each program year of such scholarship program and that will pay the tuition of students who meet certain residency and academic qualifications at public post-secondary institutions; to empower the Alabama Commission on Higher Education to administer such scholarship program and to promulgate, implement and enforce rules and regulations to give effect thereto; to provide for various other matters relating to the creation and administration of a state operated lottery; and to provide that the provisions of this act shall become effective only upon the adoption of an amendment to the Constitution of Alabama of 1901 that authorizes a state lottery.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Turner:

H. 448. To provide a general plan for the legalization of casino gaming in certain jurisdictions in the state; to make legislative findings with respect to the legal and economic justification for such plan, including (i) the legislature's interpretation of the history and purpose of the prohibition against lotteries contained in Section 65 of the Constitution of Alabama and (ii) the identification of those conditions which, in the judgment of the legislature, exempt certain gambling activities from the constitutional prohibition against lotteries; to express the legislature's intent that the act shall be given effect as a complete and coherent statute, capable of being performed in accordance with all its provisions, if a single type of gambling game, among the comprehensive array authorized by the act, is determined to be a game that does not constitute a lottery by reason of the degree of player's skill involved in such game or as the result of other conditions; to express the legislature's intent that the act shall be considered a general law which creates a state gaming commission for the regulation of gaming and racing throughout the state and which is applicable to racing commissions whenever and

wherever created throughout the state and that the act's accommodation of local variations in the underlying racing acts, as well as the need to address particular economic needs and competitive concerns of certain counties, shall be recognized as subordinate to the act's general purposes and not be interpreted to make the act a local act; to express the legislature's view that commercial gambling is not a common economic activity in which the opportunity to participate is a fundamental liberty, but rather that it is a suspect enterprise affected with the public interest and coming under the police power of the state in a manner that justifies the legislature in providing for gaming licenses to the holders of existing racing licenses without violating the provisions of Section 22 of the Constitution of Alabama; to express the legislature's intent that this act shall not be considered an act for raising revenue but rather an act to prescribe the conditions under which various forms of gambling may be legally conducted and to provide for the licensure and regulation of such forms of gambling and that the derivation of revenue from the licensure and regulation of gambling shall be deemed an incidental purpose of this act; to define the terms used throughout the act and needed for the integral relationship of its various parts and to provide rules of construction; to provide that, if the legislature proposes a concomitant constitutional amendment authorizing the legislature to license and regulate gambling in the legislative session in which the act is enacted, the act shall be suspended until the election is held on such constitutional amendment; to provide that the provisions of the act for the licensing of gaming in a jurisdiction where racing is authorized shall not be effective with respect to such jurisdiction unless the voters residing in the jurisdiction shall vote in an election to authorize the licensing and regulation of gaming therein; to provide for the conduct of elections to authorize the licensing of gaming in a jurisdiction of a racing commission; to provide that if a majority of the voters residing in any such jurisdiction and participating in the election on the aforesaid concomitant constitutional amendment vote for the adoption thereof, the approval of such amendment shall of itself authorize the licensing of gaming in the jurisdiction without any further election; to exempt the conduct of gaming and the manufacture, sale, transportation, installation, possession, ownership or use of gaming devices, authorized by and done in accordance with the provisions of the act, from the prohibitions of Article 2 of Chapter 12 of the Alabama Criminal Code (Code of Alabama 1975, Section 13A-12-20 et seq.) and other criminal or civil statutes prohibiting or limiting the same; to define gaming debt and to provide that gaming debts shall be exempt from the provisions of Sections 8-1-150 through 8-1-152, inclusive, of the Code of Alabama 1975 that would otherwise make gaming debts void and permit the recovery by interested parties of payments made on gaming debts; to declare that gaming devices authorized under the act are exempt from certain provisions of federal law applicable thereto; to entitle a licensed horse racing or greyhound racing operator to purchase a license to conduct casino gaming at its racing facility in accordance with the provisions of the act; to prescribe the terms and conditions of such license and the conditions under which such license may be renewed or transferred or a replacement license issued therefor; to authorize casino gaming licenses to be awarded for gaming facilities to be located in Class 1 or Class 2 municipalities, to prescribe terms, conditions and procedures relating to the award of such licenses and the use thereof, to prescribe the conditions under which such licenses may be

renewed or transferred or replacement licenses issued therefor, and to empower the state gaming commission and the local racing commission to regulate the activities of gaming licensees who obtain such licenses for Class 1 and Class 2 municipalities; to provide that, in order to avoid destructive competition between municipal gaming facilities and existing racing facilities, no gaming license shall be issued for a gaming facility to be located in any Class 1 or Class 2 municipality until after a period of two years after the date on which a racing facility, existing as of the effective date of the act and licensed for operation within the corporate limits of any such municipality, shall begin the conduct of gaming under a license hereunder in newly constructed facilities; to provide that a gaming facility may be licensed for any Class 5 municipality located in a county in which gaming facilities are authorized pursuant to the act to be licensed in a Class 2 municipality in such county, subject to the same general conditions as are applicable to gaming licenses for gaming facilities to be located in such Class 2 municipality; to provide for gaming licensing boards in Class 1, Class 2 and Class 5 municipalities in a qualified gaming county to study, evaluate and select applicants for gaming licenses to operate gaming facilities in such municipalities; to provide for certain powers that may be exercised by the governing body of a Class 1, Class 2 or Class 5 municipality in a qualified gaming county with respect to the award and use of a gaming license for a gaming facility to be located in such municipality; to provide for the expansion of the membership of a racing commission in any qualified gaming county in order to enable such commission to perform the additional responsibilities of licensing and regulating gaming facilities in Class 1, Class 2 and Class 5 municipalities; to confer upon each racing commission, in addition to the powers that it has to license and regulate horse racing and/or greyhound racing, the same or similar powers for it to license and regulate gaming for profit and to enumerate various express powers and duties of each racing commission, and to render all of the same, including the powers with respect to horse racing and/or greyhound racing, subject to preemption by the state gaming commission pursuant to rule or order of the state gaming commission; to provide that no person shall conduct or permit gaming or manufacture, sell, lease, service, own or operate any gaming devices, or act in certain employee capacities, without obtaining the necessary license or work permit from the appropriate racing commission or the state gaming commission; to supersede local racing acts in providing that the operators of racetracks in the state may transmit televised racing events to other racetracks in the state and to locations outside the state for pari-mutuel wagering thereon and may create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to supersede local racing acts in providing that the operators of racetracks in the state may receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon and may participate in pari-mutuel pools that include bettors on such racing events at other locations; to prescribe uniform rules for determining the takeouts that may be withdrawn by racing operators from pari-mutuel pools for live greyhound racing events; to eliminate any unequal prohibitions or restrictions on advertising by racing or gaming licensees that may be imposed by local racing acts; to provide for the creation and administration of a state gaming commission to regulate gaming and racing, and to prescribe the composition, powers and duties of the state gaming commission, including the

power to preempt existing powers of local racing commissions with respect to horse and/or greyhound racing; to provide for the licensing and regulation of gaming and racing through a regulatory system involving both local racing commissions (subject to preemption by the state gaming commission) and the state gaming commission; to define the respective powers and duties of local racing commissions (subject to preemption by the state gaming commission) and of the state gaming commission with respect to the licensing and regulation of gaming and racing; to define a disqualified person with respect to any licensee or other person subject to the jurisdiction of a racing commission, to provide that a disqualified person (as defined in the act) may not own, acquire or hold a direct ownership interest in a gaming licensee, and to prescribe conditions and procedures under which a disqualified person shall be required to dispose of a direct ownership interest in a gaming licensee; to provide procedures by which actions of a racing commission taken pursuant to the act may be appealed to the state gaming commission or the appropriate courts; to provide for the appeal of actions taken by the state gaming commission to the appropriate courts; to provide procedures for the resolution of disputes involving gaming debts and the enforcement of such debts; to impose criminal liability and penalties with respect to certain acts in connection with the conduct of gaming; to levy state license taxes on the conduct of gambling games, the use of automated gaming equipment and the gross gaming revenue of gaming licensees and to provide for the disposition of the proceeds of such taxes for various purposes of state government; to levy a commission license tax on the gross gaming revenue of gaming licensees, to provide that a percentage of the commission license tax may be used to defray the incremental expenses incurred by a racing commission in licensing and regulating gaming, and to provide that the balance of proceeds of such tax shall be used for public education in the county where the racing facility is located, except to the extent that other uses for the commission license tax collected by a particular racing commission may be specified by the act or by separate local act; to require each holder of a gaming license applicable to a racing facility to pay to the racing commission additional fees to supplement purses for greyhound racing or horse racing, as the case may be, conducted at such racing facility; to provide that neither the act nor any other general law of the state shall be construed to provide for or subsume the subject of gambling in such exclusive manner as to prohibit local legislation concerning the same under Section 105 of the Constitution of Alabama and to provide that local laws may be enacted to modify, amend or repeal certain provisions of the act (except those applicable to the state gaming commission and the state license taxes and those prohibiting the future creation of local commissions to license or regulate gaming or pari-mutuel racing) or to exempt any form of gambling in any location in the state from the general criminal laws of the state prohibiting gambling; to provide for the publication, in directly affected counties and in counties with 50,000 or more in population, of a notice concerning the enactment of the act and to provide further that any action challenging or questioning the legality or constitutional validity of the act or any provision thereof must be commenced in a court of competent jurisdiction within a period of 180 days after the end of the calendar month in which occurred the last publication of such notice and that the trial and appeal of such action shall be expeditiously handled by the courts; to provide that the provisions of the act shall

be severable, subject to certain exceptions; and to provide for various other matters related to the licensing, regulation, administration or taxing of gaming and racing.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Newton (D):

H. 449. To amend Sections 12-11-30 and 12-12-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit and district courts, to increase the civil jurisdiction of the district courts.

COMMITTEE ON JUDICIARY

By Representative Graham:

H. 450. To amend Section 36-22-63, Code of Alabama 1975, to provide further for purchase of prior service credit in the supernumerary program for sheriffs.

COMMITTEE ON WAYS AND MEANS

By Representatives Hall (A), Sanderford, Jorgensen, Hayden, and McClammy:

H. 451. To amend Sections 34-37-4, 34-37-5, and 34-37-6 Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to extend the time period in which certain applicants may be licensed by the board without being required to take an examination.

COMMITTEE ON STATE ADMINISTRATION

By Representative Black (L) (With Notice and Proof):

H. 452. Relating to Greene County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 452, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Haney, Papucci, Hinshaw, Allen, Townsend, Payne, Hawkins, Morton, and Carns:

H. 453. To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

COMMITTEE ON BANKING

By Representatives Haney, Papucci, Hinshaw, Allen, Payne, Hawkins, Morton, and Carns:

H. 454. To exempt Habitat for Humanity Organizations from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by these organizations from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Starkey:

H. 455. To amend Section 36-27-50, Code of Alabama 1975, to reopen the Employees' Retirement System for a certain time to allow certain temporary legislative employees to purchase certain prior service credit in the retirement system.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (P), Rogers (J), Clark (W), Hogan, Curry, Galliher, Dolbare, Spratt, Guin, Sims, Letson, Allen, Bandy, Melton, Minnifield, Hilliard, Hall (A), Hinshaw, Page, Millican, Morrow, Johnson (E), Newton (D), Black (L), Black (M), Buskey, Ford, Drake, Mitchell, Boyd, Reed, McAdory, Knight (J), McClammy, Kennedy, Hall (L), Gipson, Thomas (J), Baker, and Holmes:

H. 456. To amend Section 25-7-32, Code of Alabama 1975, to provide for certain payments to labor organizations.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Baker, Boyd, Buskey, Jackson, Hayden, Johnson (E), Kennedy, Minnifield, Houston, Fuller, and Perdue:

H. 457. To establish the John Buskey Minority and Entrepreneurial Business Act of 1995; to promote the development of a pilot program to provide

business technical assistance to minorities, entrepreneurs, and small businesses through the services of minority business development representatives located at certain regional planning and development commissions; to make an appropriation to fund the program; and to amend Section 41-23-51, Code of Alabama 1975, to provide further for the membership of the Regional Revolving Loan Fund Committee.

COMMITTEE ON WAYS AND MEANS

By Representatives Dukes, Papucci, Hinshaw, Allen, Starkey, and Galliher:

H. 458. Relating to animals, to provide for the sterilization of all dogs and cats in animal shelters, humane societies, and public or private animal refuges and penalties for violations.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Buskey (With Notice and Proof):

H. 459. Relating to Mobile County; to amend Act No. 86-545, S. 655, 1986 Regular Session, as amended, which creates a County Racing Commission; to provide further for wagering on broadcasts.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 459, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Thomas (D) and Galliher (With Notice and Proof):

H. 460. Relating to St. Clair County; to amend Sections 1 and 2 of Act No. 80-280, S. 459, 1980 Regular Session (Acts 1980, p. 394), to provide further for personnel in the office of the sheriff.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 460, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Allen:

H. 461. To exempt Youth for Christ of Tuscaloosa from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (T):

H. 462. To provide for the enactment of the Safe Streets Act of 1995; to provide for notice to the public of the act; to require the Department of Public Safety to notify a person by certified mail of the cancellation, revocation, or suspension of his or her driver's license, and include with the notice a demand for surrender of the license within a time certain; to provide certain exemptions; and to provide for seizure and forfeiture of a motor vehicle driven by a person who is driving while his or her driver's license or driving privilege has been cancelled, suspended, or revoked.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Crigler and Sims:

H. 463. Proposing an amendment to Section 46 of the Constitution of Alabama of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Lindsey:

H. 464. Providing for a member of the Employees' Retirement System to purchase credit in the system for certain prior service rendered to the United States Federal Reserve System by a certain date.

COMMITTEE ON WAYS AND MEANS

By Representative Hill:

H. 465. To repeal Section 24-1A-9, Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representatives Turner, Hooper, Thomas (D), Knight (A), Sanderson, Hill, McKee, Jorgensen, Carns, Wren, McMillan, Pringle, Dean, Sanderford, Maull, Baker, Collins, Minnifield, Gipson, and Guin:

H. 466. To establish an accountability plan which shall be overseen by the state board of education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be

offered at all grade levels; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to assist local boards of education who have a majority of their schools in which a majority of their students are scoring at one grade level or more below the national norms. This bill provides for state intervention of a school or a local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to require the state superintendent of education to develop a plan to reduce the paperwork required to be completed by classroom teachers.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Wren, Hooper, Penry, Clark (J), Hammett, Baker, Sims, McKee, Jorgensen, Clouse, Fuller, Flowers, Sanderford, Haney, Thomas (D), Laird, Vance, Seibenhener, Sanderson, Carns, Curry, Townsend, Gaines, Knight (A), Dean, Moore, Rogers (M), Pringle, Dolbare, Maull, Morton, Collins, Gipson, and Guin:

H. 467. To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Hooper, Thomas (D), Knight (A), Hill, McKee, Jorgensen, Fuller, Dean, Maull, Baker, Collins, Dolbare, Pringle, Clouse, Penry, Gipson, and Guin:

H. 468. To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10,

16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee, Carns, Hooper, Sanderford, Townsend, Seibenhener, Dean, Penry, McMillan, Wren, Moore, Jorgensen, Maull, Baker, Dolbare, Collins, Pringle, Gipson, Guin, and Morton:

H. 469. To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper, Wren, McMillan, Carns, Jorgensen, Clouse, Hawkins, Haney, Gaines, Sanderford, Townsend, Curry, Seibenhener, Dean, Penry, Moore, Rogers (M), Sims, Pringle, McKee, Sanderson, Hill, Knight (A), Thomas (D), Maull, Baker, Dolbare, Minnifield, Gipson, Guin, and Morton:

H. 470. To provide for immunity for teachers to use corporal punishment or otherwise maintain order when exercising such authority within his or her local board of education's policy; to require the local board of education to legally defend such teacher against civil charges; to further provide for warrants of arrest to be issued by the local board of education or its employees against a perpetrator when a teacher is assaulted; to exempt teachers from application of Title 25 Code of Alabama regarding child abuse when exercising corporal punishment or maintaining order within the local board of education's policy.

COMMITTEE ON WAYS AND MEANS

By Representatives Wren, Hooper, McMillan, Sanderson, Seibenhener, Dean, Jorgensen, Clouse, Carns, Townsend, McKee, Hill, Thomas (D), Hawkins, Moore, Rogers (M), Sims, Sanderford, Pringle, Baker, Collins, Dolbare, Minnifield, and Gipson:

H. 471. To require that funding for benefits provided under the Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend Sections 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives Baker, Seibenhener, Clouse, and Carothers (With Notice and Proof):

H. 472. Relating to Houston County; to provide for the issuance of annual boat certificates of registration by mail by the judge of probate; and to provide an additional fee for the purposes of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 472, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Carns:

H. 473. To establish the Alabama Commission on Small Business Development; to provide for its members, officers, and their duties; to make an appropriation; and to provide a termination date.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 474. To require the exchange of immunization status data of patients, upon request, among public and private health care providers, health care insurers, certain educational institutions, and organizations with a need to verify the immunization status of persons in their care, custody, or enrollment; and to provide immunity for the good faith exchange of information pursuant to this act.

COMMITTEE ON HEALTH

By Representatives Gaston, Crigler, Clark (W), Mitchell, Kennedy, Pringle, Dean, and Buskey (With Notice and Proof):

H. 475. To repeal Act No. 84-831, H. 95 of the 1984 First Special Session, (Acts 1984, p. 265), entitled "an act relating to Mobile County; requiring

the county governing body to pay from the county general fund, or any fund designated for roads or bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws."

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 475, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Laird:

H. 476. To amend Sections 12-11-30 and 12-12-31, Code of Alabama 1975, to further provide for the dollar amount of the jurisdiction of the small claims docket of the district court.

COMMITTEE ON BUSINESS AND LABOR

By Representative Hooper:

H. 477. To repeal Sections 28-3-220 to 28-3-226, inclusive, Code of Alabama 1975, in their entirety.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 478. To amend Sections 40-2A-3 to 40-2A-11, inclusive, and to add Section 40-2A-12, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

COMMITTEE ON STATE ADMINISTRATION

By Representative Thomas (J):

H. 479. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Wilcox County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Rogers (J):

H. 480. To provide for a state lottery and prescribe certain terms and conditions respecting its operation; to make legislative findings with respect to the economic justification for the establishment of a lottery; to create the Alabama Lottery Commission and provide for its composition, powers and duties; to specify certain conditions respecting the appointment and hiring by said commission of officers and employees; to establish certain requirements applicable to vendors providing goods or services to said commission; to establish certain requirements applicable to retail distributors of lottery tickets; to specify certain procedures to be followed with respect to any contract between said commission and any such vendor or retailer; to express the legislature's intent that said commission encourage participation by minority businesses in the operation of the lottery; to appropriate moneys from the state general fund to pay the expenses of establishing and organizing said commission and the other initial costs of implementing the provisions of this act; to provide for the disposition of the net proceeds derived from the operation of the lottery; to provide for the establishment of a scholarship program that will be funded out of the net proceeds of the lottery in an amount not to exceed \$25,000,000 for each program year of such scholarship program and that will pay the tuition of students who meet certain residency and academic qualifications at public post-secondary institutions; to empower the Alabama Commission on Higher Education to administer such scholarship program and to promulgate, implement and enforce rules and regulations to give effect thereto; to provide for various other matters relating to the creation and administration of a state operated lottery; and to provide that the provisions of this act shall become effective only upon the adoption of an amendment to the Constitution of Alabama of 1901 that authorizes a state lottery.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representatives Flowers, Hooper, Pringle, Knight (J), Morrison, Smith, Payne, Box, Parker (T), Newton (C), Collins, Venable, Hamilton, Reed, Clouse, Baker, Crigler, Moore, Curry, Hawkins, Cams, and Hill:

H. 481. Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers,

reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Morrow:

H. 482. Relating to redemption of real property foreclosed under a mortgage or sold by virtue of a judgment, to reduce from one year to 90 days the period of time for the tender of payment or bringing of suit; for this purpose to amend Sections 6-5-248, 6-5-252, and 8-1-172 of the Code of Alabama 1975; and to provide the effective date of this provision.

COMMITTEE ON BANKING

By Representative Thomas (J):

H. 483. To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of beer, or malt or brewed beverages.

COMMITTEE ON PUBLIC WELFARE

By Representatives Penry and McMillan:

H. 484. Relating to the status of mayor in a Class 8 municipality with a mayor-council form of government; to provide that a Class 8 municipality may provide for a referendum at which the registered voters of the city may vote on the issue of whether, after the 1996 municipal election, the office of mayor will be a full-time position; to establish the appropriate procedures for the referendum; to further provide for the duties of a mayor in a Class 8 municipality that subsequently changes from a mayor-council form of government to a form of government other than a mayor-council form of government.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Clouse (With Notice and Proof):

H. 485. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 485, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Allen (With Notice and Proof):

H. 486. To repeal Act No. 323, H. 514, 1975 Regular Session, relating to compensation increases for certain employees of the Sheriff's Department in Tuscaloosa County.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 486, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Box:

H. 487. To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

COMMITTEE ON JUDICIARY

By Representatives Hall (L), Morrison, Galliher, Graham, Jorgensen, Kennedy, Boyd, McKee, Moore, Melton, Hilliard, Spratt, Johnson (E), Houston, McAdory, Bandy, and Hinshaw:

H. 488. To require that the Alabama Coalition Against Domestic Violence, Incorporated, establish standards for domestic violence shelters for membership in the coalition; make the domestic violence shelters within the State of Alabama that meet the standards eligible for receiving state funds, provide for the distribution of the funds; and require the coalition to establish standards for counseling programs for perpetrators of domestic violence.

COMMITTEE ON PUBLIC WELFARE

By Representatives Hall (L), Morrison, Galliher, Jorgensen, Kennedy, Boyd, Moore, Hilliard, Spratt, Johnson (E), McAdory, Houston, Bandy, and Hinshaw:

H. 489. To require the Alabama Coalition Against Domestic Violence, Incorporated, to establish membership standards for domestic violence shelters; to specify that domestic violence shelters within the state that meet the standards are eligible to receive state funds; to provide for the distribution of the funds; and to require the coalition to establish standards for counseling programs for perpetrators of domestic violence.

COMMITTEE ON PUBLIC WELFARE

By Representatives Hall (L), Morrison, Galliher, Graham, Kennedy, Boyd, Seibenhener, Moore, Clouse, Melton, Hilliard, Spratt, Johnson (E), McAdory, Houston, Bandy, and Hinshaw:

H. 490. Amending Sections 30-5-10 and 30-5A-3, Code of Alabama 1975, relating to protection orders in certain instances regarding domestic violence; providing certain criminal penalties for violating such an order.

COMMITTEE ON JUDICIARY

By Representatives Hall (L), Morrison, Galliher, Graham, Jorgensen, Kennedy, Boyd, Clouse, Melton, Hilliard, Spratt, Johnson (E), Houston, McAdory, Bandy, and Hinshaw:

H. 491. Amending Section 15-10-3, Code of Alabama 1975, which provides the circumstances when a law enforcement officer may arrest without a warrant; to add harassment as an additional category of family violence; and to expand the definition of family or household member.

COMMITTEE ON JUDICIARY

By Representatives Hall (L), Morrison, Galliher, Graham, Jorgensen, Kennedy, Boyd, Seibenhener, Clouse, Melton, Spratt, Hilliard, Johnson (E), McAdory, Houston, and Bandy:

H. 492. To provide that domestic violence is detrimental to the child and to create a rebuttable presumption that it is not in the best interest of the child to be in the sole or joint custody of a parent who is the perpetrator of domestic or family violence; to specify factors to be considered by a court in awarding custody, visitation, and modification of an order.

COMMITTEE ON JUDICIARY

By Representatives Hall (L), Morrison, Galliher, Graham, Jorgensen, Kennedy, Boyd, Seibenhener, Moore, Clouse, Melton, Hilliard, Spratt, Johnson (E), McAdory, Houston, Bandy, and Hinshaw:

H. 493. To amend Section 15-23-42 of the Code of Alabama 1975; to provide for the termination of the confidential communications privilege of a crime victim counselor upon the death of the victim.

COMMITTEE ON JUDICIARY

By Representative Turnham:

H. 494. To amend Section 1 of Act No. 94-580, H. 105, 1994 Regular Session, to provide further for a certain definition which relates to the regulation of certain open house parties at certain residences.

COMMITTEE ON JUDICIARY

By Representative Turnham:

H. 495. To amend Sections 40-12-390, 40-12-391, and 40-12-392, Code of Alabama 1975, to require new motor vehicle dealers franchised in other states to be subject to the dealer licensing law.

COMMITTEE ON WAYS AND MEANS

By Representatives Hall (L), Graham, Morrison, Hinshaw, Houston, McAdory, Johnson (E), and Minnifield:

H. 496. Amending Sections 30-5-1, 30-5-2, 30-5-3, 30-5-4, 30-5-5, 30-5-6, 30-5-7, 30-5-8, 30-5-9, and 30-5-10 of the Code of Alabama 1975, relating to protection from abuse orders; to specify the purposes of the law, to expand the meaning of abuse and family and household members and to define certain other terms; to specify how an order may be obtained, jurisdiction, venue, hearings and legal proceedings, and for the content and issuance of protection orders; to provide remedies and relief; to prescribe criminal penalties; and to provide for a prospective effective date.

COMMITTEE ON JUDICIARY

By Representative Black (M) (With Notice and Proof):

H. 497. Relating to the City of Muscle Shoals in Colbert County; establishing a civil service system and providing for classified services; establishing a personnel board and providing for the appointment, term, and powers of board members; providing for the establishment of a register and filling of vacancies; and providing for penalties.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 497, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Lindsey, Clark (J), Hammett, Carter, McKee, McMillan, Laird, Hamilton, Layson, Fuller, Hooper, Sanderson, Sanderford, Wren, Pringle, Dolbare, Hawkins, Carothers, Turner, Papucci, Seibenhener, Collins, Galliher, Maull, Willis, Hill, Thomas (D), Hall (A), Hinshaw, Letson, Murphree, Smith, Warren, Johnson (R), Morrison, McDaniel, Sims, Rogers (J), Drake, Robinson, Crigler, Baker, Dean, Penry, Jackson, Hayden, Guin, Hogan, Vance, Gaston, Flowers, Curry, Spratt, Box, Knight (A), White, Allen, Graham, Black (M), Morrow, Gaines, Haney, and Jorgensen:

H. 498. To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the state, the value of which is diminished as a result of state or certain local governmental regulation; to require that the state and its agencies, as well as counties in the state and their agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs so as to minimize the likelihood of inverse condemnation payments by governmental units in the state; to provide for a statute of limitations for inverse condemnation actions authorized by this act and for the award of certain costs to plaintiffs; to make provision for repeal and rescission of applicability of regulatory programs in certain situations; to provide for appropriate adjustments to appraised values for ad valorem tax purposes in cases of inverse condemnations payments so made.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

RESOLUTIONS

The following resolutions were introduced:

By Representative Ford:

H.R. 133. DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE DIFFERENCE IN THE AMOUNT OF LEAVE TIME THAT NONTEACHERS AND NONCERTIFIED MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM ACCUMULATE AS COMPARED TO MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM.

The resolution, H.R. 133, was read and referred to the Standing Committee on Rules.

Also:

By Representative Flowers:

H.J.R. 134. COMMENDING THE ALABAMA DIETETIC ASSOCIATION.

WHEREAS, the health of Alabama's citizens is of primary importance to the members of the Alabama Legislature; and

WHEREAS, we realize the importance of a good diet in developing the minds and bodies of Alabama's children, our work force, and our senior citizens; and

WHEREAS, we appreciate the contribution that Alabama's professional nutrition and dietetic specialists make to the good health of the people of the state of Alabama; and

WHEREAS, the members of the Alabama Legislature are aware of the contributions that have been made by the more than 1,400 nutrition professionals currently practicing in Alabama, including the vast improvements that have been made in nutrition therapy for various illnesses, heretofore unknown by the health care profession; and

WHEREAS, the fine men and women that have dedicated themselves to the study of nutrition and dietetics in this state are often unrecognized and unheralded in their efforts to improve the health and well-being of the citizenry of this great state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this 9th day of May 1995, we do hereby focus our attention on the members of Alabama's dietetic and nutrition services industry in an effort to recognize the tireless efforts and major contributions the industry has made to the people of this state.

BE IT FURTHER RESOLVED, That we express our most sincere appreciation to the members of the Alabama Dietetic Association for their unselfish dedication to the continued well-being of the people of this state and that we applaud their work on behalf of all of the citizens of Alabama.

On motion of Representative Flowers, the rules were suspended and the resolution, H.J.R. 134, was adopted.

Also:

By Representative Hammett:

H.R. 135. AMENDING THE RULES OF THE HOUSE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVE, That the rules of the House are hereby amended to read as follows:

Amend Rule 1, on the first line in the third paragraph after the word "are" by inserting the following: either registered lobbyists or who are employed by

Further amend Rule 1, on the first line in the third paragraph after the word "registered" by striking the word ~~lobbyist~~ and inserting the following: lobbyists

On motion of Representative Hammett, the resolution, H.R. 135, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 136. HONORING JACK L. WALTON ON THE OCCASION OF HIS RETIREMENT.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Windom and Bedford:

S. 194. To provide for forfeiture of a motor vehicle driven or operated by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 194. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Waggoner, Hale, Dial, Little, Dixon, Adams, and Davidson:

S. 217. Proposing an amendment to the Constitution of Alabama of 1901, to phase out supernumerary programs and to permit participation in a fiscally sound existing retirement system.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 217. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Freeman:

S. 32. To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 32. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bedford, Butler, and Windom:

S. 12. To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for the collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 12. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford:

S. 248. To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 248. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee:

S. 245. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 245. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 85. To provide further for the purchase of service credit by members of the Teachers' Retirement System.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 85. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 28. Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158, 1975 Regular Session (Acts 1975, p. 1563), as amended by Act No. 81-1106, 1981 Special Session (Acts 1981 Special Session, p. 369), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 28, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 28. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman (With Notice and Proof):

S. 34. Relating to Madison County; providing for an additional expense allowance and for the salary of the coroner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 34, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 34. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler (With Notice and Proof):

S. 124. Relating to Madison County; to exempt the Monrovia Parks and Recreation Association from the payment of all county and municipal sales and use taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 124, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 124. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Dixon, Butler, and Sanders:

S. 227. Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 227. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Denton:

S. 7. To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 7. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 114. To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 114. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Biddle:

S. 163. To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 163. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Mitchem, Barron, Langford, Poole, Dial, Bedford, Windom, and Waggoner:

S. 89. To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 89. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 46. To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 46. State Administration.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 137. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 5th legislative day, Tuesday, May 9, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 42 - By Fuller	6
Court Costs, incr. in dist., cir., and mun. cts., termination date removed, Act 92-227, 1992 Reg. Sess. amd'd., Act 93-133, 1993 Reg. Sess. am'd., Secs. 12-19-71, 12-19-72, 12-19-171, 12-19-172, 12-19-174, 12-19-175, 12-19-176, 12-19-178, 12-19-179 am'd.	
H. 55 - By Turner	33
Motor vehicles, distinctive license plates may be issued to military retirees who have 15 years of service	
H. 77 - By Sanderson	3
Physicians, indictments, dist. atty. req. to report to Bd. of Medical Examiners, Sec. 12-17-184 am'd.	
H. 120 - By Flowers (As Amended)	3
Physicians, disciplinary actions against, hospitals req. to report to Bd. of Medical Examiners	
H. 149 - By McMillan (As Substituted)	30
Municipalities, may give notice of ordinances and amts. for zoning in alternate form, Sec. 11-52-77 am'd.	
H. 293 - By Boyd (As Amended)	16
Special Educational Trust Fund, name changed to Education Trust Fund	
H. 60 - By Curry (As Substituted)	12
Child labor laws, rewritten, Secs. 25-8-1 through 25-8-25, 25-8-27, 25-8-28, 25-8-30, 25-8-31 repealed	

On motion of Representative Carter, the resolution, H.R. 137, was adopted.

NOTICE IN WRITING FILED

Representative Sims filed the following Notice in Writing:

Notice is hereby given that, in accordance with House Rule 10, the House Rules shall be amended as follows:

Rule 81(1). On motion adopted by a majority of those voting any member may request that a child impact statement be attached to a specific bill prior to third reading of same.

Said child impact statement shall be prepared by the appropriate committee as assigned by the Speaker of the House.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 42, was adopted.

Yeas 72; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance and Venable.

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Nay:

Representatives Dolbare, Johnson (R), Payne and Warren.

And the bill:

H. 42. To amend Section 4 of Act 93-133, H. 285, 1993 Regular Session, to remove the expiration date of the increase in fees provided in Act 92-227, H. 605, 1992 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 7.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, White and Willis.

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Nay:

Representatives Black (M), Carns, Dolbare, Johnson (R), Payne, Townsend and Warren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 55, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield,

Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 55. To amend Section 32-6-291, Code of Alabama 1975, relating to the issuance of distinctive motor vehicle license plates to retired military persons, national guard retirees, and military reservists with 20 years of service, to provide that persons with 15 years of service may be issued the distinctive license plates.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 77, was adopted.

Yeas 75; Nays 6.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett,

5th Day

Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McKee, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-75

Nay:

Representatives Black (L), Hilliard, Minnifield, Newton (D), Perdue and Reed.

- 6

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Galliher intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 77.

CO-SPONSORS ADDED

Representatives Pringle and Payne were added as co-sponsors to the bill, H. 77.

H. 77 TEMPORARILY CARRIED OVER

On motion of Representative Sanderson, the bill, H. 77, was temporarily carried over in accordance with House Rule 21.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 120, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E),

Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

And the bill:

H. 120. (With Amendment): To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

On page 2, line 23, delete the language "§2-21-25(3)" and insert in lieu thereof: §22-21-25(3)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-85

And the bill:

H. 120. To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-90

CO-SPONSOR ADDED

Representative Melton was added as co-sponsor to the bill, H. 120, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 149, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Smith, Thomas (D), Townsend, Turner, Turnham, Venable and Warren.

-68

And the bill:

H. 149. (With Substitute): To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-52-77, Code of Alabama 1975, is amended to read as follows:

"§ 11-52-77.

"No ordinance shall be passed by any municipal corporation under the authority of this article unless and until the municipal governing body has complied with the procedures set forth in either subsection (A) or subsection (B) of this section.

(A) Prior to adoption, the proposed ordinance shall be ~~has been~~ published in full for one insertion and an additional insertion of a synopsis of the proposed ordinance, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published; both such insertions shall be at least 15 days in advance of its passage and in a newspaper of general circulation published within the municipality, or, if there is no such newspaper, then by posting the proposed ordinance in four conspicuous places within the municipality, together with a notice stating the time and place that the ordinance is to be considered by the municipal legislative authorities and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.

(B) Prior to adoption, notice that an ordinance will be considered shall be published for three consecutive weeks in a newspaper of general circulation in the county. The notice shall include the following information:

(1) a provision that an ordinance proposing to zone or rezone property will be considered by the municipal governing body pursuant to this section and that a copy of the proposed ordinance is available for public inspection at the city or town hall;

(2) the location of the city or town hall;

(3) a map showing the location of the property;

(4) a general description of the property proposed to be zoned or rezoned including the common name by which the property is known; and

(5) the time and place where all persons may be heard in opposition to or in favor of the ordinance.

The notice required by this subdivision shall be published in the legal section of the publication in standard form. In addition, the same notice shall also be published one time in the regular section of the newspaper which notice shall be in the form of at least a one-quarter page advertisement.

"(C) No such ordinance shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable and Wren.

-82

And the bill:

H. 149. To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Wren.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Boyd, the Budget Isolation Resolution relating to the bill, H. 293, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

And the bill:

H. 293. (With Amendment): To name the primary education trust fund of the state the "Education Trust Fund" and to provide for a prospective effective date.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 293 on page 2, Section 1, by striking the period in line 5 and adding after the quote the following: when the Code of Alabama 1975 is next reprinted and as other laws, rules, regulations and legal references are appropriate, timely and economically feasible.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-87

AMENDMENT OFFERED

Representative Hammett offered the following amendment to the bill, H. 293, as amended:

Amend H. 293 on page 1 & 2, Section 1, and the title by striking the word "trust" wherever it appears on lines 19, 20, the second "trust" on line 24 and on page 2, line 2, and the 2nd trust on line 5.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-90

And the bill:

H. 293. To name the primary education fund of the state the "Education Fund" and to provide for a prospective effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Buskey and Gaston intended to vote "Yea" on passage of the bill, H. 293, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 60, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican,

Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-88

And the bill:

H. 60. (With Substitute): To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature has found that Alabama law has not kept pace with federal standards regulating the employment of minors to the extent that it has become increasingly difficult for employers to comply with conflicting state and federal child labor requirements.

Accordingly, numerous changes are necessary to make the child labor laws of Alabama compatible with the United States Department of Labor regulations governing the employment of minors in nonagricultural occupations. Similarly, there is also a need to remove anachronistic language and make clarifications to existing standards.

In view of the foregoing findings, the Legislature through this act intends to do all of the following:

- (1) Conform with 17 federal hazardous orders.

(2) Remove exemptions for domestic service and the grading or handling, or both, of agricultural products.

(3) Add a restriction for occupations which involve working at heights exceeding six feet, as well as working in junk yards, scrap metal yards, or lumber yards.

(4) Set hour restrictions which coincide with federal law for 14- and 15-year-olds.

(5) Clarify waiver of school attendance which allows 14- and 15-year-olds to work until 9:00 p.m.

(6) Require employers to post hour restrictions and work schedules for employees under 18 years of age, and add a meal break requirement for 14- and 15-year-olds.

(7) Increase age requirements from 12 to 14 years of age to sell items on streets, and from 10 to 12 years of age to deliver newspapers.

(8) More clearly define prohibited occupations and places of employment for minors under 18 years of age.

(9) Prohibit persons under 18 years of age from performing nude or partially nude in any business establishment.

(10) Exempt federally funded summer youth program personnel from obtaining work permits.

(11) Add a driver's license which has a picture of the person to whom it was issued as evidence of age for a work permit.

(12) Add a "whistleblower" provision protecting employees and other individuals from being discriminated against as a result of disclosing information, making a charge, or refusing to obey an illegal order.

(13) Increase the penalty for street trades violations from ten dollars (\$10) to fifty dollars (\$50) to one hundred dollars (\$100) to five hundred dollars (\$500) per violation.

(14) Require reporting of names of child models under 18 years of age, ensure that school performance will not suffer due to a child working, and place responsibility for care and schooling of a child on employers and parents.

Section 2. No person under 16 years of age shall be employed, permitted, or suffered to work in any gainful occupation, except in agricultural service, and except as otherwise provided in this act. Any person 14 or 15 years of age may be employed outside school hours and during school vacation periods, so long as

the person is not employed, permitted, or suffered to work in, about, or in connection with, any manufacturing or mechanical establishment, cannery, mill, workshop, or machine shop or in any occupation or place of employment otherwise prohibited by law. The presence of any person under 18 years of age in any restricted business establishment or restricted occupation shall be prima facie evidence of his or her employment therein.

Section 3. The Alabama Department of Industrial Relations, hereinafter referred to as "the department," may declare any place or occupation dangerous to life or limb or injurious to health or morals of persons under 18 years of age.

Section 4. No person under 16 years of age shall be employed, permitted, or suffered to work at any of the following occupations, positions, or places:

(1) Operating or assisting in operating any sandpaper or wood polishing machinery, any washing, grinding, or mixing machinery, or commercial laundry equipment.

(2) Operating or assisting in operating any machines used in picking wool, cotton, hair, or any other material.

(3) In any work in or about a rolling mill, machine shop, or manufacturing establishment which is hazardous or dangerous to health, limb, or life.

(4) In proximity to any hazardous or unguarded gearing.

(5) Upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.

(6) In the manufacture or packing of paints, colors, or white or red lead.

(7) In occupations causing dust in injurious quantities.

(8) In soldering, brazing, heat treating, or welding.

(9) In the building trades, except that persons 14 or 15 years of age who are members of the immediate family of the contractor may be employed in trades involving nonhazardous duties or occupations.

(10) Repairing, painting, or cleaning buildings or structures while working at the top of ladders, lifts, or scaffolds exceeding a height of six feet.

(11) In connection with a junk or scrap metal yard.

(12) Assorting, manufacturing, or packing tobacco.

(13) Operating any automobile, truck, or motor vehicle, or flagging or directing traffic.

(14) In airport hangars or landing strips or taxi and maintenance aprons.

(15) In connection with any lumberyard.

(16) In any place or occupation which the department declares dangerous to life or limb or injurious to the health or morals of persons under 16 years of age.

Section 5. (a) No person 14 or 15 years of age shall be employed, permitted, or suffered to work in any gainful occupation for more than six days in any one week, or for more than 40 hours in any one week, or for more than eight hours in any one day, or before 7:00 a.m. or after 9:00 p.m. during school summer vacation. During the time school is in regular session, no person 14 or 15 years of age shall be employed, permitted, or suffered to work in any gainful occupation for more than six days in any one week, or for more than eight hours on a non-school day, or more than three hours on a school day, or for more than 18 hours in any school week, and not before 7:00 a.m. or after 7:00 p.m.

(b) No person 16 or 17 years of age, who is enrolled in any public or private primary or secondary school system, shall work between 10:00 p.m. and 5:00 a.m. on any night preceding a school day. The appropriate county or city superintendent of schools, or where there is no superintendent, the school headmaster, may grant exemptions to the above time restrictions. Exemptions shall be granted only when the individual circumstances are found to be in the best interests of the minor. Information of any exemptions granted shall be transmitted to the Chief Child Labor Inspector on a form authorized by him or her.

Section 6. (a) No person under 16 years of age shall be employed, permitted, or suffered to work in any gainful occupation during the hours in which the public schools of the district in which the person resides are in session, unless the minor has completed the course of study required for secondary schools. Persons 14 or 15 years of age, when school attendance has been waived, may, upon recommendation of the superintendent of education in the area and approval by the Chief Child Labor Inspector, be issued a work permit for nonhazardous occupations.

(b) Employment authorized by this section shall not be for more than eight hours in any one day, or for more than 40 hours in any one week, or for more than six days in any one week, and not before 7:00 a.m. or after 9:00 p.m.

Section 7. (a) Every employer shall keep posted in a conspicuous place where any person under 18 years of age is employed, permitted, or suffered to work, a printed notice stating the maximum number of hours persons under 18 may be permitted to work on each day of the week as set out in Section 5. The printed form of the notice shall be furnished by the department. The employment of any person for a longer time period in any day so stated, or at any time other than as stated in the printed form of notice, shall be deemed a violation of this act.

(b) Each employer shall keep on or about the premises at which any person under 18 years of age is employed time records which shall state the number of hours worked each day, starting and ending times, and any other information the department may require. The employer shall keep these records on file for not less than one year.

(c) No person 14 or 15 years of age shall be employed for more than five hours continuously without an interval of at least 30 minutes for a meal or rest period. Any meal or rest period of less than 30 minutes shall not be considered to interrupt a continuous period of work.

Section 8. No person under 14 years of age shall distribute, sell, expose, or offer for sale newspapers, magazines, periodicals, candy, or other articles, be employed or permitted or suffered to work in any other trade or occupation performed in any street or public place. Notwithstanding the foregoing, persons 12 years of age or older may engage in the delivery of newspapers on fixed routes.

Section 9. (a) No person under 16 years of age shall engage in any of the occupations mentioned in Section 8 after 7:00 p.m. or before 5:00 a.m. of any day.

(b) No person, firm, or corporation shall employ, permit, or suffer a minor under 16 years of age to work at any of the occupations mentioned in Section 8 after 7:00 p.m. or before 5:00 a.m. of any day.

(c) No person under 18 years of age shall engage in any of the occupations mentioned in Section 8 unless he or she has secured and has with him or her a work permit as required by this section and he or she is a regular attendant at school.

Section 10. The official charged with enforcement of this act may investigate each case in which he or she believes that the person holding a permit under Section 8 is not entitled to its possession, and if satisfied from the evidence obtained that the person has secured the permit through misrepresentation or fraud, the official may revoke the permit and return it to the official who issued it. Use of a permit shall be revoked or suspended by either the issuing officer or by any official charged with the enforcement of this act if the person's school record is not satisfactory to the principal of the school which he or she attends.

Section 11. Any person who engages in any street occupation in violation of Sections 8, 9, or 10 may be deemed delinquent and brought before any court having jurisdiction over juvenile delinquents.

Section 12. (a) No person under 18 years of age shall be employed or permitted or suffered to work at any of the following occupations, positions, or places:

(1) In or about or in connection with any mine, coke breaker, coke oven, or quarry in any capacity.

- (2) In wrecking, demolition, and shipbreaking.
- (3) In any tunnel or excavation with a depth of four feet or more.
- (4) In any roofing, scaffolding, or sandblasting operations.
- (5) Operating or driving any truck or heavy equipment over three tons gross weight.
- (6) In logging or around any sawmill, lath mill, shingle, or cooperage-stock mill.
- (7) Operating any power-driven woodworking, bakery, or paper-products machinery.
- (8) Upon any steam, electric, diesel, hydraulic, or other railroad.
- (9) As firefighters.
- (10) Operating any stamping machines used in sheet metal or tin ware, or in paper or leather manufacturing, or washer or nut factories.
- (11) In or around any steam boiler or rolling mill machinery.
- (12) Operating any power-driven metal forming, cutting, straightening, drawing, punching, or shearing machines.
- (13) Operating or assisting in operating any elevators, open-freight elevators, cranes, derricks, or other power-driven hoisting apparatus, with the exception of an unattended automatic passenger elevator.
- (14) Operating any paper cutting, stapling, corrugating, or punching machines.
- (15) Assembling, adjusting, cleaning, oiling, or servicing machinery in motion.
- (16) Operating any circular saws, band saws, or guillotine shears.
- (17) In or around any distillery where alcoholic beverages are manufactured, bottled, wrapped, or packed.
- (18) In the manufacture, storage, or transportation of explosive components.
- (19) In the manufacturing of brick, tile, or similar products.
- (20) In the manufacture or transportation of dangerous or toxic chemicals or compounds.

(21) In, about, or in connection with, poisonous dyes, dangerous or poisonous gases, compositions of lye in dangerous quantities, dangerous or poisonous acids, or pesticides.

(22) In any activity involving exposure to radioactive substances or ionizing radiation.

(23) Around asbestos or any other cancer-causing agents.

(24) Operating or assisting in operating any job, cylinder, or offset printing presses.

(25) In any activity involving slaughtering, butchering, and meat cutting.

(26) In any place or occupation which the department may declare dangerous to life or limb or injurious to the health or morals of persons under 18 years of age.

(b) This section shall not apply to persons 16 or 17 years of age enrolled in work-study, student-learner, cooperative education or similar programs in which the employment is an integral part of the course of study and is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor or to employment procured and supervised through the Alabama Department of Education and approved by the Department of Industrial Relations.

Section 13. (a) No person under the state legal drinking age shall be employed, permitted, or suffered to serve or dispense alcoholic beverages in any establishment where alcoholic beverages are sold, served, or dispensed for consumption on the premises.

(b) No person under 18 years of age shall work in that part of an establishment where alcoholic beverages are sold, served, or dispensed for consumption on the premises. Notwithstanding the foregoing, this section shall not prohibit the employment of persons 16 years of age or older as busboys, dishwashers, janitors, cooks, hostesses, or seaters restricted to leading patrons to seats; nor the employment of persons under 18 years of age as professional entertainers.

(c) Members of the immediate family of the owner or operator who are 14 or 15 years of age may be employed in such establishments provided they do not serve, sell, dispense, or handle alcoholic beverages.

(d) No person under 18 years of age shall work or perform in any establishment, nude or nearly nude, in a manner or attire as to expose any portion of the pubic area, buttocks, anus, anal cleft, vulva, or genitals, or any simulation thereof, or show the covered male genitals in a discernible turgid state, or be attired in a manner as to expose to view the portion of the breast below the top of the areola or any simulation thereof.

Section 14. (a) No person under 18 years of age shall engage in any occupation mentioned in Section 8 unless he or she has secured and has with him or her a work permit as provided in this act.

(b) No person, firm, or corporation shall employ, permit, or suffer any person 14 or 15 years of age to work in any gainful occupation, except in agricultural service, unless the person, firm, or corporation procures and keeps on file for the inspection by the officials charged with the enforcement of this act, a work permit for every person 14 or 15 years of age and a complete list of those persons 14 or 15 years of age employed therein.

(c) No person, firm, or corporation shall employ, permit, or suffer any person 18 years of age to work in any capacity in, about or in connection with any mine, coke breaker, coke oven, or quarry, or any person 16 or 17 years of age to work in any other gainful occupation, except in agricultural service, unless the person, firm, or corporation procures and keeps on file work permits for those minors.

(d) A work permit, when issued in accordance with this act, shall be conclusive evidence of the age of the person for whom issued in any proceeding involving the employment of the person under this act.

(e) No work permit shall be required from June 1 through August 31 for those persons employed in a federally funded summer youth program; however, the hour and prohibited occupation restrictions shall not be waived.

Section 15. (a) The county or city school superintendent, or headmaster or principal of a private school, shall issue all work permits. The superintendent, headmaster, or principal may designate in a letter to the department a school employee acting in his or her name to issue the permits. Only school principals, teachers, counselors, coordinators, or clerical personnel in a school or in the superintendent's office may issue permits. No person employed by any person, firm, or corporation employing minors may issue a permit.

(b) A work permit shall allow the employment of a person 14 or 15 years of age who is doing satisfactory school work to work only outside school hours or during vacation periods, and only in occupations not prohibited by this act for persons of these ages. A work permit shall allow the employment of a person 16 or 17 years of age to work in occupations not prohibited for persons of these ages by this act.

(c) Work permits shall be issued in triplicate and a copy of each permit issued during the month preceding shall be transmitted to the department with the report as provided in this act.

Section 16. (a) The person authorized to issue work permits shall not issue any permit unless the minor personally makes application to him or her, and until he or she receives, approves, and files the following papers duly executed:

(1) A written statement of the person, firm, or corporation into whose service the minor is to enter to the effect that he or she intends to employ the minor. The statement shall give the nature of the occupation and the job duties for which the minor is to be employed.

(2) If the person is under 16 years of age and is to work outside school hours on school days, a school record signed by the principal or teacher of the school attended by the person to the effect that he or she is a regular attendant at school and is performing satisfactory school work.

(3) One of the following evidences of age, establishing the fact that the person is of the legal minimum age for the job in which he or she is to be employed, is required, preferably, in the order designated:

- a. A certified copy of the person's birth certificate.
- b. A certified copy of the person's baptismal record showing the date of birth and place of baptism.
- c. A bona fide contemporary Bible record of birth.
- d. A life insurance policy which has been in force for at least one year.
- e. A passport or certificate of arrival in the United States which shows the age of the person.
- f. Any valid driver's license from any state that has a photograph and displays the date of birth of the person to whom it was issued.
- g. If, in any instance, the issuing officer authorized to issue the permits is satisfied that none of the above proofs of age can be produced and the parent, guardian, or custodian makes an affidavit that none of the above proofs of age can be produced by them, the issuing officer may use the minor's school record of age in conjunction with an affidavit of age sworn to by the parent, guardian, or custodian of the person and authorization from a child labor inspector.

(4) A statement signed and dated by the parent or guardian stating the minor's age and date of birth and approval of the employment duties as described by the prospective employer.

(b) The issuing officer may administer oaths for affidavits establishing age.

Section 17. Work permits may be issued to persons 16 years of age or older without requiring school records and parental approval.

Section 18. All work permits shall state the full name, place and date of birth of the minor, the name and address of the parent, guardian, or person sustaining the parental relationship to the person, and a statement dated and signed by the issuing officer that the minor personally has appeared before him or

her and that proofs of age and other legal qualifications as required in this act have been submitted and filed. The printed form of work permits and other papers required in the issuing of work permits shall be drafted by the department and furnished by it to the local and county superintendents of education.

Section 19. The county or city superintendent, or principal of schools, or if there is none, the headmaster, shall, between the first and tenth of each month, transmit to the department a copy of each work permit issued and a written monthly report, giving the name of each person to whom a work permit has been granted.

Section 20. Any official charged with the enforcement of this act may cancel any work permit found to be illegally or improperly issued. When the permit is cancelled, the employer of the person for whom the permit is issued shall be notified, and thereafter it shall be unlawful to employ the person. The minor may be re-employed after a new permit is regularly issued.

Section 21. The department shall have the right to enter, without prior notice or warrant, any business establishment for the purpose of routine inspections. These visits shall be conducted as frequently as needed to insure that minors are employed in compliance with this act. The department shall enforce this act and shall institute prosecution for any violation of this act.

Section 22. Every school attendance officer shall report to the department every known violation of this act. School attendance officers shall have the same right of access to and inspectors of establishments where minors are or may be employed or detained as is given by law to the department. A report of every entry and inspection of those establishments shall be made to the department. School attendance officers, when authorized by the department, may institute prosecutions.

Section 23. Every person, firm, or corporation owning or controlling any establishment wherein minors are employed shall keep the establishment in a sanitary condition and properly ventilated, and shall provide suitable and convenient restrooms, separate for each sex, and in the number and locations required by the department. When 20 or more persons are employed, sanitary drinking fountains shall be provided in the number the department deems necessary. All restrooms shall be maintained inside the establishments, except in situations in which it is impracticable, in the opinion of the department.

Section 24. The department shall inspect thoroughly every establishment wherein persons subject to this act are employed and shall issue a written order for the correction of unsanitary or unhealthy conditions in those establishments and shall report those conditions to public health officials.

Section 25. The department shall remove from any establishment any minor found employed or working, contrary to law, or who is afflicted with any infectious, contagious, or communicable disease, or whose physical condition is such that it makes it hazardous for the person to perform the work.

Section 26. (a) No person shall discriminate against any individual because the individual has opposed any act or practice made unlawful by this act or because the individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this act.

(b) No employer, agent of an employer, or any other person shall discharge or otherwise discipline, threaten, harass, blacklist, or in any other manner discriminate against an applicant, employee, former employee, or any other person because that individual disclosed any information not prohibited from disclosure by statute, refused to obey an illegal order, or in any other manner not prohibited by statute challenged or revealed any violation of this chapter.

Section 27. Any person who sells, offers for sale, or furnishes any article of any description to a person under 16 years of age to be used for the purpose of sale or barter upon the streets or in any public place, shall first ascertain whether the minor has a work permit as required by this act. No article shall be sold or furnished to the minor person if he or she has no permit. Any person violating this section shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Police officers, school attendance officers, and other peace officers are authorized to enforce this section.

Section 28. Any person, firm, or corporation who violates this act, or who fails or refuses to obey within a reasonable time any lawful order or direction given by the state officials charged with the enforcement of this act; and any parent, guardian, or custodian who suffers or permits a person under his or her care or control who is under 18 years of age to work in violation of this act, shall be deemed guilty of a Class B or C misdemeanor unless another penalty is specifically provided in this act. A first conviction shall be deemed a Class C misdemeanor and punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). A second or subsequent conviction shall be deemed a Class B misdemeanor and punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

Section 29. Time and hour restrictions shall not be imposed upon, and no work permits shall be required for persons under 18 years of age who are employed as actors and performers. Persons may be employed and appear for the purpose of singing, acting, or performing in any studio or movie set of a motion picture approved and coordinated by the Alabama Film Office in conjunction with and under the jurisdiction and supervision of the department. A person under 18 years of age may be employed as provided in this section only under the following conditions and with the written consent of the Alabama Film Office, the department and the parent, legal guardian, or responsible adult of the person:

(1) The activities enumerated shall not be detrimental to the life, health, safety, welfare, or morals of the person.

(2) The activities enumerated shall not interfere with the schooling of the person and provisions shall be made for education equivalent to full-time school attendance in the public schools for persons under 16 years of age.

(3) A parent, guardian, or a responsible adult so designated by the parent or guardian, shall accompany each person under 16 years of age at all rehearsals, appearances, and performances.

Section 30. (a) Time and hour restrictions shall not be imposed upon, and no work permits shall be required for persons under 18 years of age who are employed as models. Notwithstanding the foregoing, no person under 16 years of age shall work any hours that interfere with his or her school performance.

(b) Any person, firm, agency, or corporation that employs, permits, or suffers any person under 18 years of age to be used in any type of modeling shall have written consent from the parent or guardian of the person, and shall notify the Child Labor Office on a form authorized by the department, and shall comply with all of the following conditions:

(1) The parent of the person shall not let the modeling interfere with that person's school performance.

(2) The activities enumerated shall not be detrimental to the life, health, safety, welfare, or morals of the person.

(3) A parent, guardian, or a responsible adult so designated by the parent or guardian shall accompany each person under 16 years of age to all sessions.

Section 31. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 32. All laws or parts of laws which conflict with this act, including but not limited to Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, are repealed.

Section 33. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw,

Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 60. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Gaines.

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MOTION TO RECONSIDER OFFERED

Having voted on the prevailing side and having previously filed a Notice in Writing, Representative Knight (J) offered the motion to reconsider the vote by which the resolution, H.R. 97, was adopted.

MOTION TO TABLE LOST

The motion offered by Representative Turner to table the motion offered by Representative Knight (J) to reconsider the vote by which the resolution, H.R. 97, was adopted, was lost.

Yeas 29; Nays 52.

Yea:

Mr. Speaker, Box, Carothers, Carter, Dean, Ford, Gipson, Hall (A), Hamilton, Hinshaw, Hooper, Johnson (E), Jorgensen, Knight (A), Letson, McAdory, McDaniel, Morrow, Page, Papucci, Parker (P), Pringle, Robinson, Rogers (J), Starkey, Thomas (J), Turner, Warren and White.

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Nay:

Representatives Allen, Bandy, Black (L), Black (M), Boyd, Carns, Clouse, Collins, Crigler, Curry, Drake, Dukes, Fuller, Gaines, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (R), Kennedy, Knight (J), Laird, Maull, McKee, McMillan, Mitchell, Morrison, Morton, Murphree, Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 87. HONORING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

Also:

H.J.R. 88. COMMEMORATING THE SERVICE OF MRS. JUNE BUGG.

Also:

H.J.R. 94. RECOGNIZING "THANKS TO THEM" AS THE OFFICIAL SONG HONORING WORLD WAR II VETERANS FOR 1995.

Also:

H.J.R. 95. MOURNING THE DEATH OF BERTHA CANNON PERRYMAN OF CAMDEN, ALABAMA.

Also:

H.J.R. 98. MOURNING THE DEATH OF PATTI SUE MATHIS OF WICKSBURG, ALABAMA.

Also:

H.J.R. 102. NAMING THE FERRELL D. CLEMONS GYMNASIUM OF SPARKMAN ELEMENTARY SCHOOL.

Also:

H.J.R. 134. COMMENDING THE ALABAMA DIETETIC ASSOCIATION.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 64. MOURNING THE DEATH OF GEORGE THOMAS JONES, SR., OF MOBILE, ALABAMA.

Also:

H.J.R. 65. DESIGNATING A PORTION OF U.S. 231 IN ELMORE COUNTY, AS THE "VETERANS MEMORIAL BOULEVARD."

Also:

H.J.R. 73. MOURNING THE DEATH OF NANCY SUTHERLAND BOSWELL.

Also:

H.J.R. 82. HONORING MR. ROBERT ABERNATHY OF MILLBROOK, ALABAMA, ON THE OCCASION OF HIS 80TH BIRTHDAY.

Also:

H.J.R. 84. MOURNING THE DEATH OF MRS. RUBY H. CHERRY.

Also:

H.J.R. 85. MOURNING THE DEATH OF DR. BESSIE WASHINGTON JONES OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 86. COMMEMORATING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 25. COMMENDING DONALD R. JORDAN AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR.

Also:

H.J.R. 54. DESIGNATING THE BEN RODGERS LEE BRIDGE IN WASHINGTON COUNTY.

Also:

H.J.R. 55. DESIGNATING HIGHWAY 278 IN WINSTON COUNTY AS "LOONEY'S TAVERN PARKWAY."

Also:

H.J.R. 56. COMMENDING THE SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION.

Also:

H.J.R. 61. COMMENDING THE DIRECTOR, CAST, AND CREW OF "TERROR IN THE SUBURBS."

Also:

H.J.R. 62. HONORING THE SATSUMA HIGH SCHOOL VARSITY
CHEERLEADERS FOR DISTINGUISHED ACHIEVEMENT.

Also:

H.J.R. 63. HONORING MR. KENNETH ALLEN CLEMONS ON HIS
RETIREMENT.

McDOWELL LEE
Secretary

H.R. 97 RESUMED

MOTION TO CARRY OVER TABLED

On motion of Representative Knight (J), the motion offered by Representative Turner to carry over to the twenty-eighth legislative day the motion offered by Representative Knight (J) to reconsider the vote by which the resolution, H.R. 97, was adopted, was tabled.

Yeas 51; Nays 37.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Boyd, Carns, Clouse, Collins, Curry, Drake, Dukes, Fuller, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Holmes, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Maul, McClammy, McKee, Mitchell, Moore, Morton, Newton (C), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Mr. Speaker, Box, Crigler, Dean, Dolbare, Ford, Gaines, Galliher, Hall (A), Hawk, Hilliard, Hinshaw, Hogan, Hooper, Houston, Knight (A), Laird, Layson, Letson, McAdory, McDaniel, McMillan, Morrow, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Spratt, Thomas (J), Turner and Warren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 120. To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

TOMMY CARTER
Chairman

And the bill, H. 120, as engrossed, was ordered sent to the Senate.

H.R. 97 RESUMED**MOTION TO CARRY OVER OFFERED**

Representative Rogers (J) offered the motion to carry over to the thirteenth legislative day the motion offered by Representative Knight (J) to reconsider the vote by which the resolution, H.R. 97, was adopted.

MOTION IN WRITING OFFERED

Representative Curry offered the following Motion in Writing relating to the resolution, H.R. 97:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost.

Yeas 36; Nays 43.

Yea:

Representatives Black (L), Carns, Clouse, Crigler, Curry, Drake, Dukes, Gaines, Galliher, Gipson, Guin, Hall (L), Haney, Hayden, Hill, Johnson (R), Laird, Layson, Maull, McKee, Moore, Morton, Murphree, Parker (T), Payne, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Thomas (D), Townsend, Turnham, Vance, Willis and Wren.

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Nay:

Mr. Speaker, Baker, Black (M), Box, Burke, Carter, Clark (W), Dean, Flowers, Ford, Gaston, Graham, Hall (A), Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Knight (A), Letson, McAdory, McDaniel, McMillan, Melton, Minnifield, Morrow, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Spratt, Turner, Warren and White.

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SUBSTITUTE MOTION TO CARRY OVER TABLED

On motion of Representative Knight (J), the substitute motion offered by Representative Turner to carry over to the twenty-ninth legislative day the motion offered by Representative Knight (J) to reconsider the vote by which the resolution, H.R. 97, was adopted, was tabled.

Yeas 59; Nays 33.

Yea:

Representatives Bandy, Black (L), Black (M), Boyd, Carns, Clouse, Collins, Crigler, Curry, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McKee, Minnifield, Moore, Morton, Murphree, Parker (T), Payne, Petelos, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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Nay:

Mr. Speaker, Baker, Box, Burke, Carothers, Carter, Dean, Dolbare, Dukes, Ford, Graham, Hall (A), Hawk, Hilliard, Hinshaw, Hogan, Hooper, Knight (A), Letson, Lindsey, McMillan, Morrow, Newton (D), Page, Papucci, Parker (P), Pringle, Reed, Robinson, Spratt, Thomas (J), Turner and Warren.

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MOTION TO ADJOURN LOST

The motion offered by Representative Turner that the House adjourn until 10:00 o'clock a.m., Thursday, May 11, 1995, was lost.

Yeas 20; Nays 69.

Yea:

Representatives Black (M), Burke, Carothers, Ford, Hawk, Hilliard, Hooper, Johnson (E), Letson, Maull, Morrow, Newton (D), Page, Perdue, Reed, Robinson, Rogers (J), Spratt, Thomas (J) and Turner.

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Nay:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Carns, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 46. RECOGNIZING HISTORIC DEVEREUX HILL IN ANDALUSIA, ALABAMA, AND REQUESTING THAT A SIGN BE PLACED THEREON.

McDOWELL LEE
Secretary

H.R. 97 RESUMED

SUBSTITUTE MOTION TO CARRY OVER TABLED

On motion of Representative Knight (J), the substitute motion offered by Representative Turner to carry over to the twenty-fifth legislative day the motion offered by Representative Knight (J) to reconsider the vote by which the resolution, H.R. 97, was adopted, was tabled.

Yeas 53; Nays 38.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Boyd, Carns, Clouse, Collins, Crigler, Curry, Drake, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McClammy, McKee, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Mr. Speaker, Baker, Box, Burke, Carothers, Carter, Clark (W), Dean, Dolbare, Dukes, Flowers, Ford, Hall (A), Hawk, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Knight (A), Letson, Maull, McAdory, McDaniel, McMillan, Minnifield, Morrow, Newton (D), Page, Papucci, Parker (P), Penry, Reed, Robinson, Rogers (J), Thomas (J), Warren and White.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 149. To amend Section 11-52-77 of the Code of Alabama 1975, so as to provide an alternative procedure which could be used by municipal governing bodies in adopting zoning ordinances or amendments thereto.

TOMMY CARTER
Chairman

And the bill, H. 149, as engrossed, was ordered sent to the Senate.

H.R. 97 RESUMED**MOTION TO CARRY OVER TABLED**

The question was then on the motion offered by Representative Rogers (J) to carry over to the thirteenth legislative day the motion offered by Representative Knight (J) to reconsider the vote by which the resolution, H.R. 97, was adopted and on motion of Representative Knight (J), the motion to carry over was tabled.

Yeas 52; Nays 35.

Yea:

Representatives Bandy, Black (M), Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Drake, Fuller, Gaines, Galliher, Gipson, Guin, Hall (L), Hammett, Haney, Hawkins, Hill, Johnson (R), Jorgensen, Kennedy, Laird, Layson, McClammy, McKee, McMillan, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Mr. Speaker, Baker, Box, Burke, Carothers, Carter, Dean, Dukes, Flowers, Ford, Graham, Hall (A), Hawk, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Knight (A), McAdory, Minnifield, Morrow, Newton (D), Page, Papucci, Parker (P), Pringle, Reed, Robinson, Rogers (J), Thomas (J), Turner, Warren and White.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 59. To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

McDOWELL LEE
Secretary

MOTION TO ADJOURN LOST

The motion offered by Representative Minnifield that the House adjourn until 10:00 o'clock a.m. on Thursday, May 11, 1995, was lost.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 293. To name the primary education fund of the state the "Education Fund" and to provide for a prospective effective date.

TOMMY CARTER
Chairman

And the bill, H. 293, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 60. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

TOMMY CARTER
Chairman

And the bill, H. 60, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 59. To provide for the continuation of pension benefits for certain public employees retired under the Employees' Retirement System or the Judicial Retirement Fund when they accept certain employment with the legislative branch of state government during retirement and to specify the conditions do not apply to certain independent contractors.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H.R. 97 RESUMED**MOTION TO CARRY OVER TABLED**

On motion of Representative Knight (J), the motion offered by Representative Newton (D) to carry over to the eighth legislative day the motion offered by Representative Knight (J) to reconsider the vote by which the resolution, H.R. 97, was adopted, was tabled.

Yeas 51; Nays 33.

Yea:

Representatives Allen, Black (M), Boyd, Carns, Clouse, Collins, Crigler, Curry, Dean, Drake, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, McClammy, McKee, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (T), Payne, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

Nay:

Mr. Speaker, Baker, Box, Burke, Clark (W), Dolbare, Dukes, Flowers, Ford, Hall (A), Hawk, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Knight (A), Melton, Morrow, Newton (D), Page, Papucci, Parker (P), Penry, Petelos, Pringle, Robinson, Rogers (J), Spratt, Turner, Warren and White.

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MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Representative Knight (J) to reconsider the vote by which the resolution, H.R. 97, was adopted, and the motion to reconsider was adopted.

Yeas 52; Nays 39.

Yea:

Representatives Allen, Black (M), Boyd, Buskey, Carns, Clouse, Collins, Curry, Dolbare, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, McClammy, McKee, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Mr. Speaker, Baker, Box, Burke, Carter, Clark (W), Dean, Dukes, Flowers, Ford, Graham, Hall (A), Hawk, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Knight (A), Lindsey, McAdory, McDaniel, McMillan, Melton, Morrow, Page, Papucci, Parker (P), Penry, Pringle, Reed, Robinson, Rogers (J), Spratt, Starkey, Thomas (J), Warren and White.

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And the resolution:

H.R. 97. RULE CHANGE

was again taken up.

MOTION TO ADOPT OFFERED

Representative Ford offered the motion to adopt the resolution, H.R. 97.

SUBSTITUTE MOTION TO SUSPEND RULES LOST

The substitute motion offered by Representative Turner to suspend the rules and refer the resolution, H.R. 97, to the Standing Committee on Rules was lost.

Yeas 34; Nays 54.

Yea:

Mr. Speaker, Baker, Box, Burke, Carothers, Carter, Dean, Ford, Hall (A), Hawk, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Knight (A), Letson, Maull, McAdory, McDaniel, Morrow, Newton (D), Page, Papucci, Parker (P), Perdue, Pringle, Reed, Robinson, Rogers (J), Spratt, Warren and White.

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Nay:

Representatives Allen, Bandy, Boyd, Carns, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, McClammy, McKee, McMillan, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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RESOLUTION LOST

The question was then on the motion offered by Representative Ford to adopt the resolution, H.R. 97, and the resolution was lost.

Yeas 40; Nays 58.

Yea:

Mr. Speaker, Baker, Box, Burke, Carothers, Carter, Dean, Drake, Flowers, Ford, Hall (A), Hawk, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Knight (A), Letson, Maull, McAdory, McDaniel, Morrow, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Spratt, Starkey, Thomas (J), Turner, Warren and White.

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Nay:

Representatives Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McClammy, McKee, McMillan, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Parker (T), Payne, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 5. COMMENDING THE HAZEL GREEN LADY TROJANS ON THE 1994-1995 STATE CLASS 5A BASKETBALL CHAMPIONSHIP.

Also:

S.J.R. 6. COMMENDING THE MADISON COUNTY BUCKHORN HIGH SCHOOL BUCKS ON THEIR STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

S.J.R. 36. RECOGNIZING ALABAMA BANKERS FOR OUTSTANDING CONTRIBUTIONS TO THE ALABAMA COMMUNITY.

Also:

S.J.R. 37. COMMENDING HOLLINGER'S ISLAND SCHOOL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 39. COMMENDING G. MACK ROBERTS FOR OUTSTANDING SERVICE.

Also:

S.J.R. 40. EXPRESSING SUPPORT FOR JUDGE ROY MOORE.

Also:

S.J.R. 41. RECOGNIZING MOBILE AREA WATER AND SEWER SERVICE AND DESIGNATING NATIONAL DRINKING WATER WEEK.

Also:

S.J.R. 43. COMMENDING MAYLOND T. BISHOP OF ARAB, ALABAMA, FOR DISTINGUISHED SERVICE.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and having previously filed a Notice in Writing, Representative Wren offered the motion to reconsider the vote by which the bill, H. 202, was passed, and the motion to reconsider was adopted.

And the bill:

H. 202. To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority is required to lay off all contracted and appointed employees before laying off any merit system employee in the classified service and to provide for certain exceptions.

as amended on the fourth legislative day was again taken up.

SUBSTITUTE OFFERED

Representative Wren offered the following substitute to the bill, H. 202, as amended:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority shall first layoff nonessential employees under contract as determined by a vote of the State Personnel Board and politically appointed employees with the exception of heads of departments, heads of boards, heads of commissions, and heads of authorities. Exceptions will also include unclassified employees and contractors who provide direct patient and health care services.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-26-26, Code of Alabama 1975, is amended to read as follows:

"§36-26-26.

"(a) In accordance with the rules, an appointing authority may lay off an employee in the classified service whenever he or she deems it necessary by reason of shortage of work or funds, or the abolition of a position, or other material change in duties or organization. In the event of a departmental layoff, the appointing authority shall first layoff nonessential employees under contract as determined by a vote of the State Personnel Board and politically appointed employees with the exception of heads of departments, heads of boards, heads of commissions, and heads of authorities. Exceptions will also include unclassified employees and contractors who provide direct patient and health care services. The seniority and service ratings of employees shall be considered, in such the manner as the rules shall provide, among the factors in determining the order of layoffs. The appointing authority shall give written notice to the director of every proposed layoff a reasonable time before the effective date thereof, and the director shall make such any orders relating thereto as he considers that are necessary to secure compliance with the rules. The name of every regular employee so laid off shall be placed on the appropriate reemployment list.

"(b) In addition to any rights currently provided to state employees, any permanent state employee who is laid off from a position under the state merit system shall have priority for any other position in the same class filled from an open competitive register by any appointing authority in accordance with rules adopted by the state personnel board.

"(c) The provisions of this section are supplemental and shall not be construed to repeal any law not in direct conflict."

Section 2. This act shall not apply to the Alabama Judicial System; the Alabama legislative personnel, officers and employees; employees of the State Docks; personnel working in the Governor's office; and the Alabama Commission on Higher Education.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable and Wren.

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H. 202 TEMPORARILY CARRIED OVER

On motion of Representative Turner, the bill, H. 202, as amended, was temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dixon and Langford:

S.J.R. 46. COMMENDING BUCKS AND BOBBY WEIL FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

By Senator Butler:

S.J.R. 47. DESIGNATING THE WEEK OF MAY 14-20, 1995, AS "EMERGENCY MEDICAL SERVICES WEEK" IN ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 46, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 47, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

H. 202 AGAIN TAKEN UP

And the bill, H. 202, as amended, which was previously temporarily carried over was again taken up.

AMENDMENT OFFERED

Representative Turner offered the following amendment to the bill, H. 202, as amended:

Amend House Bill 202 on page 3, line 23 after the semi-colon by inserting the following: "employees of the Attorney's General Office;"

H. 202 CARRIED OVER

On motion of Representative Wren, the bill, H. 202, as amended, and the pending amendment were carried over to the sixth legislative day.

MOTION TO ADJOURN LOST

The motion offered by Representative Clark (W) that the House adjourn until 10:00 o'clock a.m., Thursday, May 11, 1995, was lost.

Yeas 26; Nays 46.

Yea:

Representatives Bandy, Black (M), Boyd, Buskey, Clark (W), Crigler, Dean, Flowers, Graham, Hamilton, Hayden, Houston, Johnson (E), Kennedy, Letson, Lindsey, McAdory, Mitchell, Newton (D), Petelos, Reed, Rogers (J), Starkey, Turner, Vance and White.

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Nay:

Representatives Allen, Carns, Clouse, Collins, Curry, Dolbare, Gaines, Gaston, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McDaniel, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Page, Papucci, Payne, Penry, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend and Venable.

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BILLS ON THIRD READING RESUMED

The House then proceeded with the consideration of the bills on the Regular Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 368, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Flowers, Ford, Gaston, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Minnifield, Mitchell, Moore, Morrow, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable and White.

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And the bill:

H. 368. Relating to Madison County, to amend Act No. 80-277, 1980 Regular Session, as last amended by Act No. 92-522, 1992 Regular Session; to provide further for the organization and operation of the Madison County Legislative Delegation Office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Flowers, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McClammy, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 119, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Flowers, Gaston, Graham, Guin, Hall (A), Hawk, Hawkins, Hayden, Hill, Hinshaw, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Smith, Spratt, Townsend, Turnham, Vance, Venable and White.

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And the bill:

H. 119. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Graham, Guin, Hall (L), Hawk, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, White and Wren.

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Nay:

Representative Hawkins.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 134. COMMENDING THE ALABAMA DIETETIC ASSOCIATION.

Also:

H.J.R. 102. NAMING THE FERRELL D. CLEMONS GYMNASIUM OF SPARKMAN ELEMENTARY SCHOOL.

Also:

H.J.R. 98. MOURNING THE DEATH OF PATTI SUE MATHIS OF WICKSBURG, ALABAMA.

Also:

H.J.R. 95. MOURNING THE DEATH OF BERTHA CANNON PERRYMAN OF CAMDEN, ALABAMA.

Also:

H.J.R. 94. RECOGNIZING "THANKS TO THEM" AS THE OFFICIAL SONG HONORING WORLD WAR II VETERANS FOR 1995.

Also:

H.J.R. 88. COMMEMORATING THE SERVICE OF MRS. JUNE BUGG.

Also:

H.J.R. 87. HONORING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

Also:

H.J.R. 86. COMMEMORATING THE SERVICE OF WOMEN OF THE ALABAMA LEGISLATURE.

Also:

H.J.R. 85. MOURNING THE DEATH OF DR. BESSIE WASHINGTON JONES OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 84. MOURNING THE DEATH OF MRS. RUBY H. CHERRY.

Also:

H.J.R. 82. HONORING MR. ROBERT ABERNATHY OF MILLBROOK, ALABAMA, ON THE OCCASION OF HIS 80TH BIRTHDAY.

Also:

H.J.R. 73. MOURNING THE DEATH OF NANCY SUTHERLAND BOSWELL.

Also:

H.J.R. 65. DESIGNATING A PORTION OF U.S. 231 IN ELMORE COUNTY, AS THE "VETERANS MEMORIAL BOULEVARD."

Also:

H.J.R. 64. MOURNING THE DEATH OF GEORGE THOMAS JONES, SR., OF MOBILE, ALABAMA.

Also:

H.J.R. 25. COMMENDING DONALD R. JORDAN AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR.

Also:

H.J.R. 54. DESIGNATING THE BEN RODGERS LEE BRIDGE IN WASHINGTON COUNTY.

Also:

H.J.R. 55. DESIGNATING HIGHWAY 278 IN WINSTON COUNTY AS "LOONEY'S TAVERN PARKWAY."

Also:

H.J.R. 56. COMMENDING THE SIDNEY LANIER HIGH SCHOOL ATHLETICS FOUNDATION.

Also:

H.J.R. 61. COMMENDING THE DIRECTOR, CAST, AND CREW OF "TERROR IN THE SUBURBS."

Also:

H.J.R. 62. HONORING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADERS FOR DISTINGUISHED ACHIEVEMENT.

Also:

H.J.R. 63. HONORING MR. KENNETH ALLEN CLEMONS ON HIS RETIREMENT.

Also:

H.J.R. 46. RECOGNIZING HISTORIC DEVEREUX HILL IN ANDALUSIA, ALABAMA, AND REQUESTING THAT A SIGN BE PLACED THEREON.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 408, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Fuller, Gaston, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), McClammy, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Vance and Wren.

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And the bill:

H. 408. To amend Sections 1 and 3 of Act No. 93-379, H. 373 of the 1993 Regular Session (Acts 1993, p. 653), relating to Jackson County; providing further for certain county-owned or leased motor vehicles to be marked for identification purposes, and to provide further for the enforcement of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Fuller, Gaston, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan,

Holmes, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Turnham, Vance, White and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 410, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Fuller, Gaston, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Reed, Robinson, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Turnham, Vance, Venable and Wren.

-64

And the bill:

H. 410. Relating to Franklin County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county jail in a special fund to be used by the sheriff for law enforcement purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaston, Graham, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Petelos, Reed, Robinson, Sanderson, Seibenhener, Smith, Spratt, Turnham, Vance and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 411, was adopted.

Yeas 58; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Flowers, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, McAdory, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Papucci, Parker (P), Penry, Perdue, Reed, Robinson, Seibenhener, Smith, Spratt, Turnham, Vance, White and Wren.

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Nay:

Representative Page.

- 1

And the bill:

H. 411. (With Amendment): Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 1, in Section 2, on line 21, after the word "salary" insert: of fifty-two thousand five hundred dollars (\$52,500) annually currently

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Flowers, Gaston, Graham, Guin, Hall (A), Hamilton, Hawk, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Layson, McClammy, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Penry, Perdue, Reed, Robinson, Seibenhener, Smith, Spratt, Turnham and Vance.

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And the bill:

H. 411. Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Flowers, Gaston, Graham, Guin, Hall (L), Hamilton, Hawk, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, McAdory, McClammy, McMillan, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Penry, Reed, Seibenhener, Smith, Spratt, Turnham and Vance.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Smith, the Budget Isolation Resolution relating to the bill, H. 414, was adopted.

Yeas 52; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clouse, Collins, Dean, Drake, Gaston, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hayden, Hinshaw, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, Lindsey, McAdory, McClammy, McMillan, Millican, Mitchell, Moore, Morrow, Murphree, Papucci, Parker (P), Penry, Pringle, Reed, Robinson, Sanderford, Seibenhener, Smith, Spratt, Turnham and Vance.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 414. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clouse, Collins, Dean, Drake, Fuller, Graham, Guin, Hall (A), Hamilton, Hawk, Hayden, Hill, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Murphree, Papucci, Parker (P), Penry, Pringle, Reed, Robinson, Smith, Spratt, Starkey, Turnham, Vance and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Representative Graham:

H.J.R. 138. CONDEMNING CERTAIN PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR AWARDED CONTRACTS TO FOREIGN CORPORATIONS OVER STATE CORPORATIONS.

The resolution, H.J.R. 138, was read and referred to the Standing Committee on Rules.

Also:

By Representative Graham:

H.R. 139. CONDEMNING CERTAIN PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR AWARDED CONTRACTS TO FOREIGN CORPORATIONS OVER STATE CORPORATIONS.

The resolution, H.R. 139, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Gipson:

H.R. 140. HONORING THE REVEREND JAMES D. MILLINER, SR., FOR DEDICATED SERVICE TO MT. SINAI MISSIONARY BAPTIST CHURCH, PRATTVILLE, ALABAMA.

Also:

By Representative Sims:

H.R. 141. COMMENDING DEBBIE HILYER OF TALLADEGA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Lindsey:

S.J.R. 42. TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE.

WHEREAS, Article V of the Constitution of the United States requires that whenever two-thirds of both Houses of Congress propose amendments to the Constitution, ratification of those amendments is required by three-fourths of the Legislatures of the States; and

WHEREAS, amendments proposed to the Constitution of the United States have a serious impact upon the process of government and upon the lives of every citizen of this nation; and

WHEREAS, the Congress is now in the process of considering an amendment to the Constitution which would require the budget of the federal government to be balanced; and

WHEREAS, upon the adoption of a balanced budget amendment by Congress, the Alabama Legislature will be called upon to consider this amendment; and

WHEREAS, the prospect of a federally balanced budget may require Congress to significantly alter the federal budget which could have serious repercussions upon the budget of the State of Alabama, local and county governments, and the educational system of this State; and

WHEREAS, for the Alabama Legislature to be properly prepared for any deliberation on a federal balanced budget amendment, there is need for a bipartisan, unbiased review of the impact the federal budget now has upon the State of Alabama, and what impact a balanced budget amendment for the federal government will have upon the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Balanced Budget Evaluation Committee which shall be charged with the responsibility to evaluate the impact that an amendment to the Constitution of the United States requiring the federal budget be balanced will have upon the State of Alabama, local and county governments, and the educational system of this State.

BE IT FURTHER RESOLVED, That the Balanced Budget Evaluation Committee shall be composed of three appointees of the Governor, three appointees of the Lieutenant Governor, one of which shall be a member of the Senate, and three appointees of the Speaker of the House of Representatives, one of which shall be a member of the House of Representatives. Staff assistance shall be provided to the Balanced Budget Evaluation Committee by the Legislature and the Governor is requested to lend the assistance of the State Budget Office to assist the Committee. The Balanced Budget Evaluation Committee shall report its findings to the Governor and Legislature no later than 180 days after Congress adopts a proposed amendment to balance the federal budget. Members shall be entitled to receive reimbursement for their actual expenses which shall be paid from funds appropriated to the Legislature and the Governor's Office.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Governor.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 42, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill and House Joint Resolutions mentioned

were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:00 P.M. on May 9, 1995.

H. 59

Delivered to the Governor at 4:00 P.M. on May 9, 1995.

H.J.R. 134

H.J.R. 73

H.J.R. 102

H.J.R. 65

H.J.R. 98

H.J.R. 64

H.J.R. 95

H.J.R. 25

H.J.R. 94

H.J.R. 54

H.J.R. 88

H.J.R. 55

H.J.R. 87

H.J.R. 56

H.J.R. 86

H.J.R. 61

H.J.R. 85

H.J.R. 62

H.J.R. 84

H.J.R. 63

H.J.R. 82

H.J.R. 46

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Hall (A), the House adjourned until 10:00 o'clock a.m., Thursday, May 11, 1995.

SIXTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 11, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Jess Vanlandingham, First Baptist Church, Citronelle, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gregory Bondurant and Andrew Taylor, 6th Grade, Florala City Middle School, Florala, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, May 16, 1995, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.J.R. 142. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, May 18, 1995, they adjourn to meet again on Tuesday, May 23, 1995, and when they adjourn on Tuesday they adjourn to meet again on Thursday, May 25, 1995.

MOTION TO SUSPEND RULES ADOPTED

The motion offered by Representative Hammett to suspend the rules in order to bring up for immediate consideration the foregoing resolution, H.J.R. 142, was adopted.

RESOLUTION ADOPTED

On motion of Representative Hammett, the resolution, H.J.R. 142, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 133. DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE DIFFERENCE IN THE AMOUNT OF LEAVE TIME THAT NONTEACHERS AND NONCERTIFIED MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM ACCUMULATE AS COMPARED TO MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM.

WHEREAS, state employees who are members of the Employees' Retirement System accumulate leave time based on their length of service with the state and are compensated for unused personal leave up to a certain number of hours when they leave state service; and

WHEREAS, nonteacher and noncertified members of the Teachers' Retirement System receive only two personal leave days during the school year and additional personal leave time is at the discretion of the local educational authority; and

WHEREAS, although nonteacher and noncertified employees are compensated for unused personal leave when they leave state service, it is impossible for them to accumulate personal leave time at the same rate as members of the Employees' Retirement System; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the State Board of Education is directed to study the difference in the amount of leave time that nonteachers and noncertified members of the Teachers' Retirement System accumulate as compared to members of the Employees' Retirement System and is urged to correct any inequities.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Superintendent of Education so that our wishes might be known.

On motion of Representative Ford, the resolution, H.R. 133, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 46. COMMENDING BUCKS AND BOBBY WEIL FOR OUTSTANDING ACCOMPLISHMENTS.

On motion of Representative Ford, the House concurred in and adopted the resolution, S.J.R. 46.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 339. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the State Economic Opportunity Office.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 142. (With Amendments): To amend Section 14-3-3, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 233. (With Substitute) (With Amendments): To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$6,600,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,980,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provides specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000

from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; and to provide for an effective date.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 102. Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

H. 203. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 288. (With Amendment): To provide a civil remedy for the abatement of drug-related nuisances; to make legislative findings; to define certain terms; to set out adverse impacts of drug-related nuisances, to require notice to owners of property where drug-related nuisances occur; to provide jurisdiction in circuit courts; to provide standing to certain officials and private parties who may institute drug-related nuisance proceedings; to provide for hearings on preliminary injunctions; to provide for ex parte restraining orders, civil penalties, and protection of witnesses; to provide that a drug conviction not be required; to provide for security bonds and limitations thereof; to permit use of evidence of the general reputation of the property of the defendant to prove nuisance to authorize judgments and remedies; to define burden of proof required; to prohibit punitive damages; to set out factors which may be considered in determining existence of

a drug nuisance; to provide for punishment for contempt and for violations of court orders; to provide for cancellation of court orders and circumstances therefor; to provide for award of costs and attorney fees for frivolous and bad faith proceedings brought by private parties; and to provide for severability.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 104. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 158. (With Amendment): Relating to the civil action for damages because of disparagement of a food product or commodity; amending Sections 6-5-620, 6-5-621, and 6-5-624 of the Code of Alabama 1975, relating, respectively, to the legislative intent, definitions, and limitations on the cause of action for damages in disparagement actions.

H. 188. (With Amendment): To provide for the destruction of a dog that causes severe injury to a person; to provide notice to the owner of the dog; and to provide certain exceptions.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 5. To amend Section 13A-12-231, Code of Alabama 1975, relating to trafficking in cannabis, cocaine, and other illegal drugs, so as to further provide

that a person who knowingly sells, manufactures, delivers, or brings into this state, or who knowingly is in actual or constructive possession of in excess of one kilo or 2.2 pounds of any part of a cannabis plant would be guilty of trafficking in cannabis.

S. 60. To provide for the taking of a deposition or a videotaped deposition of a victim or a witness in a criminal case when the victim or witness may be unavailable for trial for medical reasons or other exceptional circumstances; to provide for the use of the depositions; to authorize rules by the Alabama Supreme Court; and to specifically repeal Sections 12-21-260, 12-21-261, and 12-21-262 of the Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 451. To amend Sections 34-37-4, 34-37-5, and 34-37-6 Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to extend the time period in which certain applicants may be licensed by the board without being required to take an examination.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 462. (With Substitute) (With Amendments): To provide for the enactment of the Safe Streets Act of 1995; to provide for notice to the public of the act; to require the Department of Public Safety to notify a person by certified mail of the cancellation, revocation, or suspension of his or her driver's license, and include with the notice a demand for surrender of the license within a time certain; to provide certain exemptions; and to provide for seizure and forfeiture of a motor vehicle driven by a person who is driving while his or her driver's license or driving privilege has been cancelled, suspended, or revoked.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 59. To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

H. 310. To provide that a certificate of analysis prepared by certain persons could be submitted, and recorded in evidence in lieu of the testimony of the

person at a hearing in criminal proceedings and in certain civil proceedings, provide for the contents of the certificate of analysis, provide the procedure for the submission of the certificate of analysis, and provide for exceptions.

H. 356. To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

H. 206. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

H. 122. To provide that appeals from death sentence cases and from post conviction writs involving death sentence cases shall be made directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

H. 435. To provide for the suspension or revocation of professional, occupational, business, drivers, and recreational licenses for the failure to pay support, and to establish criteria for reissuing such licenses.

H. 477. To repeal Sections 28-3-220 to 28-3-226, inclusive, Code of Alabama 1975, in their entirety.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 209. (With Substitute) (With Amendments): Establishing the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state laws prohibiting the sale of tobacco and tobacco products to minors; establishing wholesale and retail licenses and authorizing the Alabama Alcohol Beverage Control Board to collect license fees for sales or distribution of tobacco and tobacco products for purposes of offsetting the agency's costs of administering its regulatory, educational, and licensing responsibilities; and to provide penalties for violations.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 353. To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from

replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from establishing a classification with the title of security guard.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 321. (With Amendment): To provide for the separate regulation of the planning, installation, inspection, repairing, or testing of fire detection, fire alarm, or fire communication systems and for burglary and similar alarms; to provide for definitions of certain terms; to provide for violations and penalties; to provide for the duties and responsibilities of the State Fire Marshal; to provide for fees; to provide for the implementation of rules and regulations.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 194. To provide for forfeiture of a motor vehicle driven or operated by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 45. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

H. 476. To amend Sections 12-11-30 and 12-12-31, Code of Alabama 1975, to further provide for the dollar amount of the jurisdiction of the small claims docket of the district court.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 248. To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

S. 163. To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 296. (With Amendments): Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund and making an appropriation from the fund for fiscal years ending September 30, 1995 and September 30, 1996, and providing for a prospective effective date.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 211. To amend Section 34-23-33, Code of Alabama 1975, to provide further for certain prohibited acts and offenses for licensed pharmacists and the disciplinary authority of the board of pharmacy.

S. 114. To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a

professional degree in any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

S. 32. To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 129. (With Amendments): To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 349. (With Amendment): Relating to material or fraudulent misrepresentations, omissions, concealment of facts, and incorrect statements in insurance transactions so as to further define fraudulent or material misrepresentations in insurance transactions and immunity from liability with respect to certain insurance transactions; to provide further for attorney fees and costs; and to provide that this act be construed together with any law related to material or fraudulent misrepresentations, omissions, concealment of facts, and incorrect statements in insurance transactions, and immunity.

H. 373. (With Amendment): To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 256. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, pertaining to written policies for teachers so as to further provide for written policies and input by education support personnel as well as teachers.

H. 14. To amend Sections 16-9-2 and 16-9-8, Code of Alabama 1975, relating to county superintendents of education, to authorize the Legislature, by local law, to provide for residency requirements and exceptions to the time elected county superintendents of education take office.

H. 198. To require local boards of education to develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who have brought to school or have in their possession a firearm in school buildings, on school grounds, on school buses, or at any other school-sponsored function.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 359. (With Amendment): To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1995-96 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 378. To regulate and provide procedures for personnel records of public school employees.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 46. To repeal Section 8 of Act No. 94-322, S. 282, 1994 Regular Session, now appearing as Section 3-8-1, Code of Alabama 1975, which provides that it is illegal to own, maintain, sell, or trade any canidae or felidae for which there is no USDA licensed rabies vaccine.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 197. (With Substitute): Relating to forest products, to amend Section 9-13-63 of the Code of Alabama 1975, as amended by Act No. 93-888 of the 1993 First Special Session, to provide a monetary range for the fine imposed upon a person, firm, or corporation for failing to keep records or falsifying records concerning the purchase of unmanufactured or semimanufactured forest products.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 299. To enact the Alabama Prescribed Burning Act; to provide legislative findings and purposes regarding prescribed burning as a land management tool; to provide for the rule making authority of the Alabama Forestry Commission; to provide certain requirements necessary for the conduct of prescribed burning; and to provide that a property owner conducting a prescribed burn pursuant to the requirements shall not be liable for damage caused by the fire unless negligence is proven.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 187. (With Substitute): To establish the "Alabama Aquatic Plant Control Act"; to prohibit the release, introduction, stocking, or placing of non-indigenous noxious aquatic plants into any public waters of the State of Alabama without a permit issued by the Department of Environmental Management pursuant to written rules and regulations of the Department of Environmental Management; to provide for certain exceptions; to provide for fines, notice of violations, confiscation, removal, or destruction of prohibited non-indigenous noxious aquatic plants, and the assessment of cost for the confiscation, removal, or destruction of the prohibited non-indigenous noxious aquatic plants; and to provide for cumulative and delayed effect of this act.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 379. To amend Section 9-11-237 of the Code of Alabama 1975, relating to the sale and purchase of game birds and animals and the meat or other product thereof, to provide that venison, other than venison from a white-tailed deer, may be sold in the state under certain conditions.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 70. (With Amendments): To establish the "Prevention of Youth Access to Tobacco Act of 1995"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; and to repeal Section 13A-12-3, Code of Alabama 1975, relating to selling cigarettes to minors.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 369. To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.

H. 388. To amend Sections 36-30-1 and 36-30-21 of the Code of Alabama 1975; to provide that if a peace officer or firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation; to provide that this act shall apply to any municipality even if it has elected to be covered by the workers' compensation laws of this state.

H. 420. To amend Section 36-21-45 of the Code of Alabama 1975, to provide further for the establishment of law enforcement training schools.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 406. To amend subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by nonprofit organizations for charitable and educational purposes, to provide that the amounts of prizes shall not exceed the amounts set by local law.

H. 298. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote and to provide criminal penalties for violations.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 143. (With Substitute) (With Amendment): To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 152. To provide for a statewide voter file maintenance process; to provide that the state shall pay certain costs associated with the process; and to provide for certain supplemental effect.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 140. To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 145. (With Substitute): To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquified petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 439. To encourage compliance audits by creating a limited compliance audit privilege; and to provide for the use of the compliance audit privilege.

H. 465. To repeal Section 24-1A-9, Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 69. (With Substitute) (With Amendment): To provide for the use of safety belts by adults and children, with exceptions; to establish the "Alabama Safety Belt Use Act"; to provide for fines and punishment for violators; to repeal Sections 32-5B-1 to 32-5B-7, inclusive, Code of Alabama 1975, relating to the use of safety belts; and to provide for a delayed effective date.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 441. To clarify the provisions of Article 2A of Chapter 10 of Title 41 of the Code of Alabama 1975, by adding a Section 41-10-44.16 thereto providing that the members, owners, or partners of an approved company which is a limited liability company or a partnership shall be entitled to receive the credit against Alabama corporate income tax liability provided by Article 2A; and to provide that the employment and capital expenditure requirements shall be applied to the project and that it shall not be a requirement that the entity which is the obligor on project obligations or which employs persons at the project be the same entity or entities which receive the credit against Alabama income tax liability.

Representative Melton, Chairperson of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 20. To amend Section 32-6-350 of the Code of Alabama 1975, relating to distinctive license tags for certain veterans, to provide that the local veterans affairs officer in the county in which application is made to certify eligibility of a Vietnam Veteran for the tag.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 448. (With Amendments): To provide a general plan for the legalization of casino gaming in certain jurisdictions in the state; to make legislative findings with respect to the legal and economic justification for such plan, including (i) the legislature's interpretation of the history and purpose of the prohibition against lotteries contained in Section 65 of the Constitution of Alabama and (ii) the identification of those conditions which, in the judgment of the legislature, exempt certain gambling activities from the constitutional prohibition against lotteries; to express the legislature's intent that the act shall be given effect as a complete and coherent statute, capable of being performed in accordance with all its provisions, if a single type of gambling game, among the comprehensive array authorized by the act, is determined to be a game that does not constitute a lottery by reason of the degree of player's skill involved in such game or as the result of other conditions; to express the legislature's intent that the act shall be considered a general law which creates a state gaming commission for the regulation of gaming and racing throughout the state and which is applicable to racing commissions whenever and wherever created throughout the state and that the act's accommodation of local variations in the underlying racing acts, as well as the need to address particular economic needs and competitive concerns of certain counties, shall be recognized as subordinate to the act's general purposes and not be interpreted to make the act a local act; to express the legislature's view that commercial gambling is not a common economic activity in which the opportunity to participate is a fundamental liberty, but rather that it is a suspect enterprise affected with the public interest and coming under the police power of the state in a manner that justifies the legislature in providing for gaming licenses to the holders of existing racing licenses without violating the provisions of Section 22 of the Constitution of Alabama; to express the legislature's intent that this act shall not be considered an act for raising revenue but rather an act to prescribe the conditions under which various forms of gambling may be legally conducted and to provide for the licensure and regulation of such forms of gambling and that the derivation of revenue from the licensure and regulation of gambling shall be deemed an incidental purpose of this act; to define the terms used throughout the act and needed for the integral relationship of its various parts and to provide rules of construction; to provide that, if the legislature proposes a concomitant constitutional amendment authorizing the legislature to license and regulate gambling in the legislative session in which the act is enacted, the act shall be suspended until the election is held on such constitutional amendment; to provide that the provisions of the act for the licensing of gaming in a jurisdiction where racing is authorized shall not be effective with respect to such jurisdiction unless the voters residing in the jurisdiction shall vote in an election to authorize the licensing and regulation of gaming therein; to provide for the conduct of elections to authorize the licensing of gaming in a jurisdiction of a racing commission; to provide that if a majority of the voters residing in any such jurisdiction and participating in the election on the aforesaid

concomitant constitutional amendment vote for the adoption thereof, the approval of such amendment shall of itself authorize the licensing of gaming in the jurisdiction without any further election; to exempt the conduct of gaming and the manufacture, sale, transportation, installation, possession, ownership or use of gaming devices, authorized by and done in accordance with the provisions of the act, from the prohibitions of Article 2 of Chapter 12 of the Alabama Criminal Code (Code of Alabama 1975, Section 13A-12-20 et seq.) and other criminal or civil statutes prohibiting or limiting the same; to define gaming debt and to provide that gaming debts shall be exempt from the provisions of Sections 8-1-150 through 8-1-152, inclusive, of the Code of Alabama 1975 that would otherwise make gaming debts void and permit the recovery by interested parties of payments made on gaming debts; to declare that gaming devices authorized under the act are exempt from certain provisions of federal law applicable thereto; to entitle a licensed horse racing or greyhound racing operator to purchase a license to conduct casino gaming at its racing facility in accordance with the provisions of the act; to prescribe the terms and conditions of such license and the conditions under which such license may be renewed or transferred or a replacement license issued therefor; to authorize casino gaming licenses to be awarded for gaming facilities to be located in Class 1 or Class 2 municipalities, to prescribe terms, conditions and procedures relating to the award of such licenses and the use thereof, to prescribe the conditions under which such licenses may be renewed or transferred or replacement licenses issued therefor, and to empower the state gaming commission and the local racing commission to regulate the activities of gaming licensees who obtain such licenses for Class 1 and Class 2 municipalities; to provide that, in order to avoid destructive competition between municipal gaming facilities and existing racing facilities, no gaming license shall be issued for a gaming facility to be located in any Class 1 or Class 2 municipality until after a period of two years after the date on which a racing facility, existing as of the effective date of the act and licensed for operation within the corporate limits of any such municipality, shall begin the conduct of gaming under a license hereunder in newly constructed facilities; to provide that a gaming facility may be licensed for any Class 5 municipality located in a county in which gaming facilities are authorized pursuant to the act to be licensed in a Class 2 municipality in such county, subject to the same general conditions as are applicable to gaming licenses for gaming facilities to be located in such Class 2 municipality; to provide for gaming licensing boards in Class 1, Class 2 and Class 5 municipalities in a qualified gaming county to study, evaluate and select applicants for gaming licenses to operate gaming facilities in such municipalities; to provide for certain powers that may be exercised by the governing body of a Class 1, Class 2 or Class 5 municipality in a qualified gaming county with respect to the award and use of a gaming license for a gaming facility to be located in such municipality; to provide for the expansion of the membership of a racing commission in any qualified gaming county in order to enable such commission to perform the additional responsibilities of licensing and regulating gaming facilities in Class 1, Class 2 and Class 5 municipalities; to confer upon each racing commission, in addition to the powers that it has to license and regulate horse racing and/or greyhound racing, the same or similar powers for it to license and regulate gaming for profit and to enumerate various express powers and duties of each racing

commission, and to render all of the same, including the powers with respect to horse racing and/or greyhound racing, subject to preemption by the state gaming commission pursuant to rule or order of the state gaming commission; to provide that no person shall conduct or permit gaming or manufacture, sell, lease, service, own or operate any gaming devices, or act in certain employee capacities, without obtaining the necessary license or work permit from the appropriate racing commission or the state gaming commission; to supersede local racing acts in providing that the operators of racetracks in the state may transmit televised racing events to other racetracks in the state and to locations outside the state for pari-mutuel wagering thereon and may create and administer pari-mutuel pools that include bettors at locations receiving the televised racing events; to supersede local racing acts in providing that the operators of racetracks in the state may receive televised racing events from racetracks in the state and outside the state for pari-mutuel wagering thereon and may participate in pari-mutuel pools that include bettors on such racing events at other locations; to prescribe uniform rules for determining the takeouts that may be withdrawn by racing operators from pari-mutuel pools for live greyhound racing events; to eliminate any unequal prohibitions or restrictions on advertising by racing or gaming licensees that may be imposed by local racing acts; to provide for the creation and administration of a state gaming commission to regulate gaming and racing, and to prescribe the composition, powers and duties of the state gaming commission, including the power to preempt existing powers of local racing commissions with respect to horse and/or greyhound racing; to provide for the licensing and regulation of gaming and racing through a regulatory system involving both local racing commissions (subject to preemption by the state gaming commission) and the state gaming commission; to define the respective powers and duties of local racing commissions (subject to preemption by the state gaming commission) and of the state gaming commission with respect to the licensing and regulation of gaming and racing; to define a disqualified person with respect to any licensee or other person subject to the jurisdiction of a racing commission, to provide that a disqualified person (as defined in the act) may not own, acquire or hold a direct ownership interest in a gaming licensee, and to prescribe conditions and procedures under which a disqualified person shall be required to dispose of a direct ownership interest in a gaming licensee; to provide procedures by which actions of a racing commission taken pursuant to the act may be appealed to the state gaming commission or the appropriate courts; to provide for the appeal of actions taken by the state gaming commission to the appropriate courts; to provide procedures for the resolution of disputes involving gaming debts and the enforcement of such debts; to impose criminal liability and penalties with respect to certain acts in connection with the conduct of gaming; to levy state license taxes on the conduct of gambling games, the use of automated gaming equipment and the gross gaming revenue of gaming licensees and to provide for the disposition of the proceeds of such taxes for various purposes of state government; to levy a commission license tax on the gross gaming revenue of gaming licensees, to provide that a percentage of the commission license tax may be used to defray the incremental expenses incurred by a racing commission in licensing and regulating gaming, and to provide that the balance of proceeds of such tax shall be used for public education in the county where the racing facility is located,

except to the extent that other uses for the commission license tax collected by a particular racing commission may be specified by the act or by separate local act; to require each holder of a gaming license applicable to a racing facility to pay to the racing commission additional fees to supplement purses for greyhound racing or horse racing, as the case may be, conducted at such racing facility; to provide that neither the act nor any other general law of the state shall be construed to provide for or subsume the subject of gambling in such exclusive manner as to prohibit local legislation concerning the same under Section 105 of the Constitution of Alabama and to provide that local laws may be enacted to modify, amend or repeal certain provisions of the act (except those applicable to the state gaming commission and the state license taxes and those prohibiting the future creation of local commissions to license or regulate gaming or pari-mutuel racing) or to exempt any form of gambling in any location in the state from the general criminal laws of the state prohibiting gambling; to provide for the publication, in directly affected counties and in counties with 50,000 or more in population, of a notice concerning the enactment of the act and to provide further that any action challenging or questioning the legality or constitutional validity of the act or any provision thereof must be commenced in a court of competent jurisdiction within a period of 180 days after the end of the calendar month in which occurred the last publication of such notice and that the trial and appeal of such action shall be expeditiously handled by the courts; to provide that the provisions of the act shall be severable, subject to certain exceptions; and to provide for various other matters related to the licensing, regulation, administration or taxing of gaming and racing.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 480. To provide for a state lottery and prescribe certain terms and conditions respecting its operation; to make legislative findings with respect to the economic justification for the establishment of a lottery; to create the Alabama Lottery Commission and provide for its composition, powers and duties; to specify certain conditions respecting the appointment and hiring by said commission of officers and employees; to establish certain requirements applicable to vendors providing goods or services to said commission; to establish certain requirements applicable to retail distributors of lottery tickets; to specify certain procedures to be followed with respect to any contract between said commission and any such vendor or retailer; to express the legislature's intent that said commission encourage participation by minority businesses in the operation of the lottery; to appropriate moneys from the state general fund to pay the expenses of establishing and organizing said commission and the other initial costs of implementing the provisions of this act; to provide for the disposition of the net proceeds derived from the operation of the lottery; to provide for the establishment of a scholarship program that will be funded out of the net proceeds of the lottery in an amount not to exceed \$25,000,000 for each program year of such scholarship program and that will pay the tuition of students who meet certain residency and academic

qualifications at public post-secondary institutions; to empower the Alabama Commission on Higher Education to administer such scholarship program and to promulgate, implement and enforce rules and regulations to give effect thereto; to provide for various other matters relating to the creation and administration of a state operated lottery; and to provide that the provisions of this act shall become effective only upon the adoption of an amendment to the Constitution of Alabama of 1901 that authorizes a state lottery.

H. 446. To propose an amendment to the Constitution of Alabama of 1901 that annuls Section 65 thereof and substitutes in lieu of the section so annulled provisions to authorize the legislature to provide by law for a state-operated lottery; to authorize the legislature by law to prohibit or to allow and control gambling by such persons, in such forms and under such conditions as it determines to be in the best interests of the people of the state; to provide that certain provisions of the Constitution shall not restrict the power of the legislature to enact laws to prohibit, authorize, license or regulate gambling or to appropriate proceeds of gambling taxes to charitable or not-for-profit institutions and organizations that are not under the control of the state or other governmental entities; to establish a state improvement fund consisting of an education account and a health and social services account; to provide for the administration of the improvement fund; to provide that the net profits received by the state from the operation of, or participation in, a lottery and the net collections of license, privilege or excise taxes levied by the state for state purposes on casino gambling and related activities shall be paid into the improvement fund and divided equally between the education account and the health and social services account; to specify the purposes for which moneys deposited to the credit of either the education account or the health and social services account may be appropriated by law; and to provide that the provisions of the proposed amendment shall have both retrospective and prospective effect and shall ratify, confirm and validate certain previously enacted laws authorizing a state-operated lottery and providing for the licensure and regulation of casino gaming in the state.

The above bill was read a second time at length as required by the Constitution.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 86. Relating to Morgan County; to authorize the establishment and operation of a county archives; and to provide for funding and staffing of the archives.

H. 78. Relating to the compensation of the Morgan County Superintendent of Education; amending Section 1 of Act No. 91-477, H. 578 of the 1991 Regular Session (Acts 1991, p. 865), to further provide for the salary.

H. 284. Relating to Autauga County; relating to the compensation and expense allowance for the Sheriff of Autauga County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of the sheriff.

H. 460. Relating to St. Clair County; to amend Sections 1 and 2 of Act No. 80-280, S. 459, 1980 Regular Session (Acts 1980, p. 394), to provide further for personnel in the office of the sheriff.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 302. Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session, as amended, providing for the expense allowance and salary of the Sheriff of Tuscaloosa County.

H. 486. To repeal Act No. 323, H. 514, 1975 Regular Session, relating to compensation increases for certain employees of the Sheriff's Department in Tuscaloosa County.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 411. Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

TOMMY CARTER
Chairman

And the bill, H. 411, as engrossed, was ordered sent to the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Melton, Dolbare, Page, Allen, Buskey, Hilliard, Ford, Galliher, and Spratt:

H. 499. To amend Section 25-4-78, Code of Alabama 1975, as amended by Act No. 94-719, H. 814, 1994 Regular Session, relating to disqualifications for unemployment compensation benefits so as to remove lockout from the disqualifications.

COMMITTEE ON BUSINESS AND LABOR

By Representative Knight (A):

H. 500. To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Morton:

H. 501. To exempt Kappa Delta Pi, National Honor Society in Education, Convocation, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Graham:

H. 502. To amend Section 25-5-50, Code of Alabama 1975; to provide that an employer that employs less than five full-time employees or employs part-time employees is exempt from providing workers' compensation insurance coverage.

COMMITTEE ON BUSINESS AND LABOR

By Representative Vance:

H. 503. To amend Section 34-13-56, Code of Alabama 1975, relating to funeral services; and to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or regulations promulgated by the board.

COMMITTEE ON STATE ADMINISTRATION

By Representative Rogers (M):

H. 504. To amend Section 44-1-51, Code of Alabama 1975, to provide further for the per diem of members of the Youth Services Board.

COMMITTEE ON STATE ADMINISTRATION

By Representative Vance (With Notice and Proof):

H. 505. Relating to Russell County; providing for the expenditure of certain funds for the road and street signs necessary for E911 emergency telephone service.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 505, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Vance (With Notice and Proof):

H. 506. Relating to Russell County; granting to the county commission certain power and authority relative to public improvements in certain areas lying outside the corporate limits of any municipality in the county; providing certain exceptions; providing for the assessment against the improved property of the cost and expenses of materials and labor used if the improvements are approved by at least 75 percent of the property owners affected; authorizing, providing for, and regulating hearings relative to the assessments and appeals therefrom; providing for the collection of the assessments by the Russell County Tax Collector; and investing the Russell County Commission with the same powers and authority relative to the collection of improvement assessments and liens therefor as municipalities relative to municipal improvement assessments, not inconsistent with other provisions of this bill.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 506, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Vance (With Notice and Proof):

H. 507. To create the Russell County Planning Commission; to provide for the organization, membership, power, personnel, jurisdiction, and financial and legal status of the planning commission; to authorize the planning commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the orderly development of Russell County; to provide for an election prior to the application of such authority of the planning commission; to grant the planning commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions

of this act and to provide exceptions to the zoning regulations; and to provide for appeals from the decisions of the planning commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 507, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Minnifield and Johnson (E):

H. 508. To amend Section 16-11-2 of the Code of Alabama 1975, as last amended by Act 94-133 of the 1994 Regular Session, providing for city boards of education, to increase the permissible number of members of a city board of education, to allow voters in cities with appointed city boards of education to determine by referendum whether the board of education will continue to be appointed by the governing body of the city or be elected by those qualified electors of the affected city without the necessity of a constitutional amendment; to specify that the referendum may be authorized by local law or city ordinance; to establish the time of election, term of office, districts, and other provisions relating to elected city boards of education; and to ratify and confirm existing laws relating to elective city boards of education.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Starkey:

H. 509. To amend Section 41-9-782, Code of Alabama 1975, to provide further for the receipt and disbursement of certain funds by the Tennessee Valley Exhibit Commission.

COMMITTEE ON WAYS AND MEANS

By Representatives Starkey and Morrow:

H. 510. To authorize state supported colleges and universities to admit qualified residents age 65 and over without payment of tuition; to provide for the establishment of rules and regulations; and to provide for penalties.

COMMITTEE ON WAYS AND MEANS

By Representative Flowers:

H. 511. To provide standards regarding renewability of coverage and to limit the use of pre-existing condition exclusions.

COMMITTEE ON INSURANCE

By Representative Hammett (With Notice and Proof):

H. 512. Relating to Covington County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 512, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Millican, White, Warren, Parker (T), Curry, and Johnson (R):

H. 513. Relating to the Department of Corrections; to provide for the qualifications of certain employees employed as correctional officers.

COMMITTEE ON STATE ADMINISTRATION

By Representative Millican (With Notice and Proof):

H. 514. Relating to Marion County; authorizing the sheriff to operate a jail canteen; authorizing the sheriff to retain profits accruing from the pay telephones, vending machines, and canteen in the county jail in a special fund to be used by the sheriff for law enforcement purposes; and confirming and ratifying certain prior actions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 514, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Millican:

H. 515. To amend Sections 11-52-72, 11-52-73, and 11-52-75 of the Code of Alabama 1975, relating to the zoning power of municipalities, to allow certain single-family manufactured homes to be placed in a district zoned for single-family residences subject to land use regulations and all subdivision plat restrictions applicable to all other single-family residences on individual lots in the district

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Hall (A), Turner, Payne, Hogan, Hall (L), Laird, Hilliard, Letson, and Hinshaw:

H. 516. To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Perdue:

H. 517. To amend Section 41-16-51 of the Code of Alabama 1975, to exempt certain construction contracts from competitive bidding requirements.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hilliard, Spratt, Houston, McAdory, Rogers (J), Johnson (E), and Perdue:

H. 518. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Rogers (J), Hilliard, McAdory, Houston, Minnifield, Perdue, Spratt, Johnson (E), and Newton (D) (With Notice and Proof):

H. 519. Relating to Jefferson County; to amend Section 12 of Act No. 248 of the 1945 Legislature (Acts 1945, p. 376, et seq.), as last amended; to promote operational efficiency and control of certain local government employment practices by the local officials thereof; to amend Section 16 of said Act No. 248 of 1945 as last amended, respecting the term of eligible lists; and to amend Section 18 of said Act No. 248 of 1945, as last amended, respecting provisional appointments and appointments of police and firefighters.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 519, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Page, Morrow, Morrison, Murphree, Jorgensen, Smith, Galliher, Hall (L), Graham, Knight (A), Hill, Gaines, Thomas (D), Haney, Papucci, Curry, Allen, Hinshaw, Perdue, Minnifield, Hawk, McDaniel, Sanderford, Knight (J), Willis, Sims, McKee, McClammy, Vance, Penry, McMillan, Gaston, Dean, Hall (A), Robinson, Melton, Johnson (E), Ford, Burke, and Hooper:

H. 520. To amend Section 32-6-250 of the Code of Alabama 1975, relating to distinctive license plates; to provide that a Medal of Honor or Purple Heart Medal recipient or a duly recognized American Prisoners of War may be issued an additional number of distinctive plates if the person pays the ad valorem taxes for the second and subsequent license plates.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 521. To amend Section 12-13-1 of the Code of Alabama 1975, relating to the jurisdiction of the probate court; to provide that the probate court shall not have the jurisdiction to change the name of a person convicted of a felony offense; and to require the person who files a petition to change his or her name to file a declaration that he or she has not been convicted of a felony offense.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 522. Requiring the Alabama Medicaid Agency to pay the costs of reserving a bed in a nursing home for a certain time for a Medicaid patient in a hospital who was admitted to the hospital from the nursing home.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 523. To prohibit an employer from discharging an employee serving on active duty within the state as a member of the National Guard; to provide a cause of action for the discharge of an employee; and to provide for both actual and punitive damages.

COMMITTEE ON BUSINESS AND LABOR

By Representative Hawk:

H. 524. To amend Section 15-12-21, Code of Alabama 1975, relating to appointment and compensation of attorneys appointed to represent an indigent criminal defendant, a juvenile or certain other persons; to provide for an increase of the hourly compensation for in-court and out-of-court time of attorneys; to provide further for the limit on the compensation of attorneys in certain criminal cases; and to increase the docket fees in certain drug-related offenses and provide for the proceeds to be used for the representation of indigent criminal defendants, juveniles, and certain other persons.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 525. To amend Section 12-15-65, Code of Alabama 1975, by requiring that all court orders removing a child from his or her home will contain a finding that the best interest of the child was considered and that reasonable efforts to prevent removal were made or were not appropriate due to emergency or unsafe conditions.

COMMITTEE ON JUDICIARY

By Representatives Curry, Petelos, Carter, White, Millican, Fuller, Kennedy, Turnham, Flowers, Clouse, Seibenhener, Baker, Willis, Hogan, Guin, Wren, McKee, Box, Vance, Jackson, Penry, McMillan, Hayden, McClammy, Johnson (R), Carothers, Warren, Moore, Reed, Hamilton, Layson, Collins, Newton (C), Parker (T), Turner, Dean, Gaston, Crigler, Hammett, Ford, Hooper, Payne, Townsend, Page, Allen, Hinshaw, Jorgensen, Papucci, Haney, McDaniel, Hawk, Minnifield, Rogers (M), Thomas (D), Knight (A), Burke, Gipson, Morton, Hall (L), Galliher, Smith, Morrow, Robinson, Drake, Spratt, Hilliard, Letson, Murphree, Black (M), Morrison, Hall (A), Parker (P), Boyd, Bandy, Mitchell, Sanderson, Venable, Hill, Starkey, Sims, and Melton:

H. 526. To establish a pension fund for Alabama firefighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

COMMITTEE ON WAYS AND MEANS

By Representatives Wren, Morrison, Dean, Pringle, Sanderson, Flowers, Thomas (D), Gaines, Hill, Knight (A), Gipson, Rogers (M), Papucci, Hinshaw, Allen, and McKee:

H. 527. To provide procedures for securing reimbursement to the Department of Corrections and counties of the expenses incurred by the state or county correctional facility for the cost of care of all persons sentenced to confinement or imprisonment in the correctional facilities; to specify the amount the state or county may seek in reimbursement and to specify certain exceptions and mitigating considerations; to specify penalties for the failure of a prisoner to cooperate; to specify the exclusive jurisdiction of the circuit court and to provide for the respective legal proceedings; to specify the powers of the Attorney General; to provide for the cost of investigation, collection, and court proceedings; and to provide that the determination of the Department of Finance of the amount due the state or county constitutes prima facie evidence of the amount.

COMMITTEE ON WAYS AND MEANS

By Representative Carns:

H. 528. To amend Section 13A-12-200.1 of the Code of Alabama 1975, to provide further for the definition of "obscene" under the Alabama Anti-Obscenity Enforcement Act for purposes of enforcing the act in certain areas of the state.

COMMITTEE ON JUDICIARY

By Representatives Laird and Fuller:

H. 529. Relating to the Legislative Reference Service, specifying that certain communications are privileged; specifying those actions which constitute a waiver of this privilege; and amending Section 29-7-6 of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Laird and Fuller:

H. 530. To amend Section 11-88-7, Code of Alabama 1975, relating to the powers of a water, sewer, or fire protection authority organized pursuant to this chapter; to provide that the authority may compensate a director of the authority who serves as a manager of the water system of the authority; to provide for an expense allowance for directors of the authority for meetings of the authority; and to provide retroactive effect.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Laird and Lindsey:

H. 531. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Randolph County School Board in the sum of \$2,500,000, to Joppa School in Cullman County in the sum of \$1,216,000, and to Collinsville High School in Cullman County in the sum of \$1,100,000 for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative McMillan:

H. 532. To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy and provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

COMMITTEE ON STATE ADMINISTRATION

By Representative Sims:

H. 533. Relating to political contributions; limiting contributions to candidates for state judicial office; limiting campaign expenditures of candidates for state judicial office; and specifying criminal penalties.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Sanderson, Moore, Petelos, Morrison, Papucci, Dukes, Curry, Jorgensen, Johnson (E), Crigler, Wren, Clouse, Thomas (D), Jackson, Melton, Parker (T), Baker, Galliher, Pringle, Vance, Guin, Hall (L), Box, Hill, Knight (A), Townsend, McMillan, Hall (A), Penry, Hinshaw, Mitchell, Flowers, Sanderford, Morton, Lindsey, Drake, Carns, Ford, Burke, Turnham, Fuller, Layson, Hooper, Allen, Starkey, Dean, Smith, Seibenhener, Johnson (R), Gaston, Laird, Hilliard, Hawk, Newton (C), Clark (J), Gaines, and Black (M):

H. 534. To amend Section 34-27-4 of the Code of Alabama 1975, to provide for the transfer of funds from the Real Estate Commission Proportionate Fund to the Real Estate Research and Education Center; to amend Section 34-27-35 of the Code of Alabama 1975, to provide for a research and education fee on each licensee; and to amend Section 34-27-31 of the Code of Alabama 1975, to allow the Real Estate Commission to transfer real estate recovery funds under certain conditions to the Real Estate Research and Education Center.

COMMITTEE ON STATE ADMINISTRATION

By Representative Knight (A):

H. 535. To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste disposal facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to establish a trust fund to pay the cost of investigation, required clean-up, and closure of unauthorized dumps by innocent, responsible land owners; to authorize fees for disposal or incineration of solid waste within the state; to establish minimum standards for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representative Venable:

H. 536. Relating to the Teachers' Retirement System; opening the system

for purchase of credit for certain prior service as a full-time employee of the Alabama State Employees' Association by certain active members; providing for the manner of payment of the cost of the prior service credit and providing for the expiration of the reopening period.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 537. Relating to elections; to provide for an early voting period prior to the date of the actual election in addition to absentee voting; to amend Section 17-4-120 of the Code of Alabama 1975, to provide further for certain voter registration deadlines; and to amend Section 17-10-5 of the Code of Alabama 1975, to provide further for the prevention of double voting in an election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 538. Providing for absentee ballots to be mailed to physically incapacitated absentee voters before an election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Burke:

H. 539. To amend Sections 40-14-41 and 40-14-47, Code of Alabama 1975; to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets; to provide that the total capital of a taxpayer includes the status of long-term versus short-term debt; to allow fiscal year corporations to file franchise tax returns at the same time as their tax or financial institution excise tax returns, including extensions; to provide a one-year transition rule; to increase the minimum franchise tax; and to provide a retroactive effective date.

COMMITTEE ON WAYS AND MEANS

RESOLUTION

The following resolution was introduced:

By Representative Holmes:

H.J.R. 143. CONDEMNING PARAMILITARY GROUPS ADVOCATING VIOLENCE AGAINST THE UNITED STATES GOVERNMENT.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Holmes offered the motion to suspend the rules and adopt the resolution, H.J.R. 143.

DIVISION OF THE QUESTION

Representative Turner called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Holmes to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 143, and the motion was lost.

Yeas 26; Nays 55.

Yea:

Representatives Baker, Black (L), Black (M), Boyd, Buskey, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (C), Newton (D), Perdue, Reed, Rogers (J), Spratt and White.

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Nay:

Mr. Speaker, Box, Carns, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Guin, Hammett, Hawk, Hill, Hinshaw, Hogan, Jorgensen, Knight (A), Laird, Layson, McDaniel, McKee, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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The resolution, H.J.R. 143, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 242. Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 242. Highway Safety.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 31, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carothers, Carter, Clouse, Curry, Dean, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McClammy, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Turner, Turnham, Venable, Warren, Willis and Wren.

-55

And the bill:

H. 31. Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officials for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number of voting machines. This shall be in addition to the compensation established by Section 17-6-13 of the Code of Alabama 1975, as amended.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Carter, Clouse, Curry, Dean, Drake, Dukes, Galliher, Gaston, Graham, Guin, Hall (A), Hammett, Hawk, Hawkins, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Petelos, Reed, Robinson, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Boyd intended to vote "Yea" on passage of the bill, H. 31.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

On motion of Representative Layson, the Budget Isolation Resolution and the bill, H. 418, were temporarily carried over in accordance with House Rule 21.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 432, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Boyd, Carothers, Carter, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Graham, Guin, Hall (A), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, McClammy, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Perdue, Petelos, Sims, Smith, Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-55

And the bill:

H. 432. Relating to Washington County; providing for the assessment of an additional fee on all documents submitted for recording in the Probate Court which are subject to a deed or mortgage tax; and providing for the deposit of the funds into the Washington County General Fund on a monthly basis to be used for general county purposes including, but not limited to, computerization of county courthouse functions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Boyd, Carns, Carter, Curry, Dean, Drake, Dukes, Fuller, Gaston, Graham, Guin, Hall (A), Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, McClammy, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Petelos, Reed, Robinson, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 418, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Carns, Carothers, Clouse, Curry, Dean, Drake, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Reed, Robinson, Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Warren and Willis.

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And the bill:

H. 418. Relating to Pickens County; providing for the fee for the issuance of pistol permits; providing for the deposit of fees in a fund known as the Sheriff's Pistol Permit Fund; and providing for the use of the fund and repealing Act No. 529, H. 574 of the 1971 Regular Session (Acts 1971, p. 1256) and Act No. 83-551, H. 520 of the 1983 Regular Session (Acts 1983, p. 850).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Carothers, Clouse, Crigler, Dean, Drake, Dukes, Galliher, Gaston, Graham, Guin, Hall (A), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, McDaniel, McMillan, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Perdue, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Warren and Willis.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 144. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 6th legislative day, Thursday, May 11, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

**REGULAR SESSION
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And the following bills:

Inst Id	Page
H. 92 - By Turnham	2
Retirees, cert. public employees to return to active service without losing benefits under TRS and ERS under cert. condit., Secs. 16-25-1, 16-25-20, 16-25-26, 36-27-1, 36-27-25 am'd.	
H. 48 - By Warren	3
Surface mining operations, permitting and bonding by Industrial Relations Dept., persons operating noncommercial operation for own use exempt, Secs. 9-16-4, 9-16-8 am'd.	
H. 68 - By Hawkins	21
Bicycle helmets required, personal or leased bicycles, requirements for businesses, parents, guardians, minor children, penalties	
H. 150 - By McMillan	16
Real estate agencies and licensees, estab. of rights and duties	
H. 132 - By Johnson (R)	15
Public Safety Department, cert. st. officers, protection, security officers, Minimum Standards and Training Act exemption removed, Sec. 36-33-2 am'd.	
H. 9 - By Flowers (As Substituted)	12
State Docks Department, expending public funds for immoral entertainment, prohib., Sec. 33-1-1 am'd.	

On motion of Representative Carter, the resolution, H.R. 144, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Turnham offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 92.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 144, the time to debate the bill, H. 92, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, H. 48, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-81

And the bill:

H. 48. To amend Sections 9-16-4 and 9-16-8 of the Code of Alabama of 1975, to exempt a person operating a noncommercial surface mining operation on his or her property for their use from the permitting and bonding requirements.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 144, the time to debate the bill, H. 48, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

CO-SPONSOR ADDED

Representative White was added as co-sponsor to the bill, H. 48.

H. 185 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 185, from the Standing Committee on Local Government to the Standing Committee on Ways and Means.

S. 89 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 89, from the Standing Committee on Ways and Means to the Standing Committee on Banking.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 68, was adopted.

Yeas 64; Nays 9.

Yea:

Mr. Speaker, Allen, Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Hall (L), Hawkins, Hill, Hinshaw, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Maull, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren and Willis.

-64

Nay:

Representatives Guin, Hammett, Hogan, McDaniel, McKee, Robinson, Rogers (M), Venable and White.

- 9

And the bill:

H. 68. Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education, and supervision.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 15.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Hall (L), Hawkins, Hill, Hinshaw, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Vance, Warren and Willis.

-62

Nay:

Representatives Boyd, Dolbare, Ford, Guin, Hall (A), Hammett, Hawk, Hayden, Hogan, Maull, McDaniel, McKee, Rogers (M), Venable and White.

-15

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 68:

Representatives Bandy, Burke, Carothers, Clouse, Crigler, Dean, Gaines, Galliher, Gaston, Graham, Hall (L), Hill, Hinshaw, Johnson (E), Jorgensen, Knight (A), Letson, McAdory, Minnifield, Moore, Morrison, Morrow, Morton, Papucci, Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Sims, Starkey, Townsend and Vance.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Gaston and Hilliard intended to vote "Yea" on passage of the bill, H. 68.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 150, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-84

And the bill:

H. 150. To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

was taken up.

AMENDMENT OFFERED

Representative McMillan offered the following amendment #1 to the bill, H. 150:

Amend House Bill No. 150 Page 3 Line 12 by striking the following: the period and substituting in lieu thereof the following: , whether he or she be buyer or seller

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Knight (J), Layson, Letson, Maull, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Murphree, Newton (C), Page, Papucci, Payne, Penry, Pringle, Reed, Robinson, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-66

AMENDMENT OFFERED

Representative McMillan offered the following amendment #2 to the bill, H. 150, as amended:

Amend House Bill No. 150 Page 11 Line 1 by striking the following: the word "and" and substituting in lieu thereof the following: the word "unless"

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-88

AMENDMENT OFFERED

Representative McMillan offered the following amendment #3 to the bill, H. 150, as amended:

Amend House Bill No. 150 Page 11 Line 2 by striking the following: Did not know and substituting in lieu thereof the following: Knows or should have known

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

And the bill:

H. 150. To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 132, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

And the bill:

H. 132. To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety.

was taken up.

AMENDMENT OFFERED

Representative Newton (D) offered the following amendment to the bill, H. 132:

To amend H. 132 on page 1, line 22 by adding after the word "department" the following: "and approved by the state official under protection".

Further amend H. 132 on page 2, line 6 by adding after the word "Safety" the following: "and with the approval of the state official under protection".

Further amend the bill on page 3 line 10 by adding after the period the following: "Further, the executive security officer designated shall be approved by the state official under protection."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-86

Nay:

Representative Sims.

- 1

And the bill:

H. 132. To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety and with the approval of the state official under protection.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Sanderford intended to vote "Yea" on passage of the bill, H. 132, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 9, was adopted.

Yeas 73; Nays 6.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable and Willis.

-73

Nay:

Representatives Hall (L), Hayden, Holmes, Knight (J), McClammy and Minnifield.

- 6

And the bill:

H. 9. (With Substitute): To amend Section 33-1-1 of the Code of Alabama 1975, relating to the Alabama State Docks Department, to provide that public funds shall not be expended for entertainment purposes if the entertainment involves immoral activities.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

To restrict the expenditure of state funds by an agency for certain entertainment purposes.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 144, the time to debate the bill, H. 9, and the pending committee substitute expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Wren, the rules were suspended in order to take up out of order the bill, H. 202, as amended on the fifth legislative day.

And the bill:

H. 202. To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority shall first layoff nonessential employees under contract as determined by a vote of the State Personnel Board and politically appointed employees with the exception of heads of departments, heads of boards, heads of commissions, and heads of authorities. Exceptions will also include unclassified employees and contractors who provide direct patient and health care services.

as amended, and the pending amendment offered by Representative Turner were again taken up.

The question was then on the amendment offered by Representative Turner to the bill, H. 202, as amended, said amendment being set out at length in the Journal on the fifth legislative day.

AMENDMENT WITHDRAWN

At the request of Representative Turner, the unanimous consent was granted for him to withdraw the amendment offered by him to the bill, H. 202, as amended.

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the substitute to the bill, H. 202, as amended:

On page 3, line 10, after the period, insert the following language: Any layoffs made pursuant to this section shall be on a non-racial discriminatory basis.

AMENDMENT TABLED

On motion of Representative Sims, the amendment offered by Representative Holmes to the bill, H. 202, as amended, was tabled.

Yeas 54; Nays 33.

Yea:

Mr. Speaker, Burke, Carns, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, White, Willis and Wren.

-54

Nay:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Dolbare, Hall (L), Hammett, Hayden, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (C), Newton (D), Parker (T), Perdue, Reed, Rogers (J), Seibenhener, Smith, Spratt, Venable and Warren.

-33

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Dean:

H.R. 145. COMMENDING HOLLINGER'S ISLAND SCHOOL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

H. 202 RESUMED

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 202, as amended:

On page 3, line 22, after the first "semicolon" insert the following: appointed employees who are vested in the state retirement system;

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-86

And the bill:

H. 202. To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority shall first layoff nonessential employees under contract as determined by a vote of the State Personnel Board and politically appointed employees with the exception of heads of departments, heads of boards, heads of commissions, and heads of authorities. Exceptions will also include unclassified employees and contractors who provide direct patient and health care services.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representative Holmes.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Carter intended to vote "Yea" on passage of the bill, H. 202, as amended.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hooper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 126.

MOTION TO CARRY OVER TABLED

On motion of Representative Hooper, the motion offered by Representative Thomas (J) to carry over the bill H. 126, and the pending Budget Isolation Resolution to the ninth legislative day was tabled.

Yeas 58; Nays 25.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, Millican, Moore,

Morrison, Newton (C), Papucci, Parker (T), Payne, Petelos, Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-58

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Drake, Galliher, Graham, Hall (A), Hayden, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Reed, Robinson, Rogers (J), Spratt, Thomas (J) and White.

-25

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 132. To amend Section 36-33-2 of the Code of Alabama 1975, relating to protection of certain state officials; to clarify who may be furnished protection; and to require that security officers be designated from within the Department of Public Safety and with the approval of the state official under protection.

TOMMY CARTER
Chairman

And the bill, H. 132, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 150. To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement

to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

TOMMY CARTER
Chairman

And the bill, H. 150, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion previously offered by Representative Hooper to adopt the Budget Isolation Resolution relating to the bill, H. 126, and the Budget Isolation Resolution was adopted.

Yeas 65; Nays 22.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-65

Nay:

Representatives Bandy, Black (L), Boyd, Drake, Hall (A), Hayden, Hilliard, Holmes, Jackson, Kennedy, McAdory, McClammy, Melton, Minnifield, Mitchell, Perdue, Reed, Robinson, Rogers (J), Spratt, Thomas (J) and White.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 202. To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to provide that in the event of a layoff, the appointing authority shall first layoff nonessential employees under contract as determined by a vote of the State Personnel Board and politically appointed employees with the exception of heads of departments, heads of boards, heads of commissions, and heads of authorities. Exceptions will also include unclassified employees and contractors who provide direct patient and health care services.

TOMMY CARTER
Chairman

And the bill, H. 202, as engrossed, was ordered sent to the Senate.

H. 126 TAKEN UP

And the bill:

H. 126. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

was taken up.

MOTION TO ADJOURN LOST

The motion offered by Representative Rogers (J) that the House adjourn until Tuesday, May 16, 1995, was lost.

H. 126 RESUMED

The question was then on the passage of the bill, H. 126.

MOTION TO ADJOURN LOST

The motion offered by Representative Knight (J) that the House adjourn until Tuesday, May 16, 1995, was lost.

Yeas 25; Nays 58.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Parker (T), Reed, Rogers (J), Spratt, Thomas (J), Turner and White.

-25

Nay:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Turnham, Vance, Warren, Willis and Wren.

-58

H. 126 RESUMED

AMENDMENT OFFERED

Representative White offered the following amendment to the bill, H. 126:

On page 4, line 18, after "of" delete "the elected members of each house of" and insert in lieu thereof the following: those voting in

MOTION TO ADJOURN LOST

The motion offered by Representative Rogers (J) that the House adjourn until Tuesday, May 16, 1995, was lost.

H. 126 RESUMED

The question was then on the adoption of the amendment offered by Representative White to the bill, H. 126.

MOTION IN WRITING OFFERED

Representative Sanderson offered the following Motion in Writing relating to the bill, H. 126:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 54; Nays 23.

Yea:

Representatives Allen, Baker, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Haney, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Warren, Willis and Wren.

-54

Nay:

Representatives Bandy, Black (L), Boyd, Drake, Hayden, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, McKee, Melton, Mitchell, Newton (D), Parker (P), Perdue, Reed, Rogers (J) and Spratt.

-23

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative White to the bill, H. 126, and the amendment was adopted.

Yeas 85; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney,

Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

Nay:

Representatives Holmes, Houston and McAdory.

- 3

And the bill:

H. 126. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 18.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-77

Nay:

Representatives Bandy, Black (L), Boyd, Drake, Hall (A), Hayden, Hilliard, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Reed, Rogers (J), Spratt and Thomas (J).

-18

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Page inadvertently voted "Yea" and intended to vote "Nay" on passage of the bill, H. 126, as amended.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Pringle intended to vote "Yea" on passage of the bill, H. 126, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 92, was adopted.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Butler:

S.J.R. 51. COMMENDING MRS. EVA THOMPSON OF MADISON COUNTY AS ALABAMA TEACHER OF THE YEAR.

Also:

By Senator Mitchell:

S.J.R. 53. COMMENDING THE PRATTVILLE JUNIOR HIGH SCHOOL SCIENCE OLYMPIAD TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Armistead:

S.J.R. 54. COMMENDING DR. AND MRS. DEWEY ANDERSON WHITE, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Senator Armistead:

S.J.R. 55. HONORING MRS. ANN B. HEAD OF COLUMBIANA, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 51, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 53, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 54, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 55, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Hale, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 49. EXTENDING CONGRATULATIONS TO THE HONORABLE AND MRS. DEWAYNE FREEMAN OF HUNTSVILLE, ALABAMA, ON THE BIRTH OF A SON, MADISON BAILLIE FREEMAN, APRIL 27, 1995.

WHEREAS, it is with great delight and pleasure that the Legislature of Alabama extends heartiest congratulations to the Honorable and Mrs. Dewayne Freeman of Huntsville, Alabama, on the birth of a son, Madison Baillie Freeman, on April 27, 1995; and

WHEREAS, it was indeed a lucky 7 day for our friend and colleague, Senator Dewayne Freeman of District 7, Madison County, and his lovely wife, Cheryl, when little Madison Baillie arrived in LDR 7 at Baptist Medical Center at 4:33 p.m. on April 27, 1995, weighing 7 pounds, 7 ounces, and measuring 20 1/2 inches in length; and

WHEREAS, a handsome young fellow, with his father's big blue eyes and his mother's special charm and winning smile, little Madison Baillie joins with big brother, five-year-old Justin, in bringing untold happiness and joy to their proud parents; and

WHEREAS, also celebrating this special event are Madison Baillie's elated grandparents, Granville and Jean Freeman of Huntsville, and Howard and Mary Faye Perdue of Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations to Dewayne and Cheryl Freeman on the birth of their son, Madison Baillie Freeman, on April 27, 1995.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Senator and Mrs. Freeman, and that a copy also be provided for Madison Baillie that he may know of the happiness we shared with his parents on the occasion of his birth.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 49, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 126. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

TOMMY CARTER
Chairman

And the bill, H. 126, as engrossed, was ordered sent to the Senate.

H. 92 TAKEN UP

And the bill:

H. 92. To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

was taken up.

SUBSTITUTE OFFERED

Representative Turnham offered the following substitute to the bill, H. 92:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to provide for certain retirees who are elected to public office to continue to draw certain benefits under certain conditions; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) It is lawful and permissible for any person who has retired under the Employees' Retirement System to perform duties in any capacity with any employer participating in the Employees' Retirement System or the Teachers' Retirement System without suspension of his or her retirement allowance;

provided, that under no circumstances shall any retired person employed under the terms of this section be employed or contract for permanent full-time employment with any employer participating in the Employees' Retirement System or the Teachers' Retirement System; provided that the person is physically and mentally able to do so in the opinion of the employing authority and earn or receive remuneration in any form, including, but not limited to, wages, salary, expenses, other than reimbursement for expenses which are normally reimbursable employee expenses, consulting fees, or contract payments, not more than the base allowed under federal Social Security for a person age 67 as set from year to year without affecting his or her status under this act.

(b) Any person who has retired from the Employees' Retirement System may serve for compensation in an elected public office with the state, a county, or an incorporated municipality if the public office is not covered by the Employees' Retirement System.

(c) The retired person shall continue to receive all retirement benefits that the retired person would receive if he or she was not employed subject to the limitations of this section.

(d) The responsibility for compliance with the provision of this section is placed upon the employing authority, and each employee employed under this section shall certify to the employer any information required in order to carry out this section.

(e) Any person retired from the Employees' Retirement System who is receiving a retirement allowance or optional benefit and who, in order to continue receiving his or her retirement allowance or optional benefit, waived his or her salary as an elected official pursuant to Section 36-6-10, Code of Alabama 1975, on or after October 24, 1994, and continued service in the elective office without compensation, may apply for and shall be reimbursed the total amount of the waived compensation and his or her salary shall be restored to the level of his or her salary prior to the waiver. Any person retired from the Employees' Retirement System who is receiving a retirement allowance or optional benefit and who, in order to continue receiving compensation for services as an elected or appointed official of the state, a county, or an incorporated municipality, suspended his or her retirement allowance or optional benefit on or after October 24, 1994, may apply for and shall be reimbursed the total amount of the suspended retirement allowance or optional benefit.

Section 2. Section 16-25-1, Code of Alabama 1975, is amended to read as follows:

"§16-25-1.

"For the purposes of this chapter the following terms, unless a different meaning is plainly required by the context, shall have the following respective meanings:

"(1) RETIREMENT SYSTEM. The teachers' retirement system of Alabama as defined in section 16-25-2.

"(2) PUBLIC SCHOOL. Any day school conducted within the state under the authority and supervision of a duly elected or appointed county or city board of education and any educational institution supported by and under the control of the state or any private nondenominational school operated nonprofit for the education of children of school age residing within a district where no public school is available for ~~such~~ the children.

"(3) TEACHER. Any teacher, principal, superintendent, supervisor, college professor, administrative officer, or clerk employed in any public school or public college within the state or employed in any private nondenominational school operated nonprofit for the education of children of school age residing within a district where no public school is available for ~~such~~ the children or any similar employee or officer of the department of education or of the Alabama education association, or any attendance worker 50 percent or more of whose salary is paid from public school funds or any employee receiving a regular stated compensation from the retirement system. In all cases of doubt, the board of control shall determine whether any person is a teacher as defined in this chapter.

"(4) SUPPORT PERSONNEL OR EMPLOYEE. Any maid, custodian, adult bus driver, lunchroom, or cafeteria worker, secretary, clerk, clerical assistant, maintenance worker, or other non-certificated employee who works an average of 20 hours weekly.

"(5) EMPLOYER. The state of Alabama, the county school board, the city school board, the state board of education, or any governing body of any private nondenominational school operated nonprofit for education of children of school age residing within a district where no public school is available for ~~such~~ the children or any other agency of and within the state by which a teacher is paid.

"(6) MEMBER. Any teacher included in the membership of the system as provided in section 16-25-3.

"(7) BOARD OF CONTROL. The board provided for in section 16-25-19 to administer the retirement system.

"(8) MEDICAL BOARD. The board of physicians provided for in section 16-25-19.

"(9) TRUSTEES. The members of the board of control to administer the trust funds.

"(10) SERVICE. Service as a teacher.

"(11) PRIOR SERVICE. Service rendered prior to the date of establishment of the retirement system for which credit is allowable under section 16-25-11.

"(12) MEMBERSHIP SERVICE. Service as a teacher rendered while a member of the retirement system and on account of which contributions are made.

"(13) CREDITABLE SERVICE. "Prior service" plus "membership service" rendered since last becoming a member.

"(14) BENEFICIARY. Any person in receipt of a pension, an annuity, a retirement allowance, or other benefit as provided by this chapter.

"(15) REGULAR INTEREST. Interest compounded annually at ~~such~~ the rate ~~as shall be~~ determined by the board of control in accordance with subsection (b) of section 16-25-20.

"(16) ACCUMULATED CONTRIBUTIONS. The sum of all the amounts deducted from the compensation of a member and credited to his or her individual account in the annuity savings fund together with regular interest thereon as provided in section 16-25-21.

"(17) EARNABLE COMPENSATION. The full rate of the compensation that would be payable to a teacher if he or she worked the full normal working time. In cases where compensation includes maintenance, the board of control shall fix the value of that part of the compensation not paid in money. Earnable compensation shall not exceed the limitations imposed by §401(a)(17) of the Internal Revenue Code for public pension funds except that any employee who was a member of the Teachers' Retirement System before the first plan year beginning after December 31, 1995, shall not be subject to the earning limitations set forth in §401(a)(17).

"(18) AVERAGE FINAL COMPENSATION. The average annual compensation of a teacher, with respect to which he or she has made contributions pursuant to paragraph b of subdivision (1) of section 16-25-21 during the three years in his or her last 10 years of creditable service for which ~~such~~ the average is highest or during his or her entire period of creditable service if less than three years; except, that for any period prior to October 1, 1959, the compensation used in computing ~~such~~ the average shall include compensation in excess of the maximum amount with respect to which members were required to contribute.

"(19) ANNUITY. Payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments.

"(20) PENSION. Payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments.

"(21) RETIREMENT ALLOWANCE. The sum of the "annuity" and the "pension."

"(22) RETIREMENT. Withdrawal from active service with a retirement allowance or optional benefit in lieu thereof granted under ~~the provisions of this chapter.~~

"(23) ANNUITY RESERVE. The present value of all payments to be made on account of any annuity or benefit in lieu of any annuity, computed upon the basis of ~~such the~~ mortality tables as shall be adopted by the board of control, and regular interest.

"(24) PENSION RESERVE. The present value of all payments to be made on account of any pension or benefit in lieu of any pension, computed upon the basis of ~~such the~~ mortality tables as shall be adopted by the board of control, and regular interest.

"(25) ACTUARIAL EQUIVALENT. A benefit of equal value, when computed upon the basis of ~~such the~~ mortality tables as shall be adopted by the board of control, and regular interest.

"(26) NORMAL CONTRIBUTION. The contributions of the state necessary to provide a pension equal to the annuity which the member's contribution made prior to age 65 with interest will provide at age of retirement not to exceed 65."

Section 3. Section 16-25-20, Code of Alabama 1975, is amended to read as follows:

"§16-25-20.

"(a)(1) The Board of Control shall be the trustees of the several funds of the Teachers' Retirement System created by this chapter as provided in Section 16-25-21, and shall have full power to invest and reinvest ~~such the~~ funds, through its secretary-treasurer, in ~~such the~~ classes of bonds, mortgages, common and preferred stocks, shares of investment companies or mutual funds, or other investments as the Board of Control may ~~from time to time~~ approve, with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with ~~such the~~ matters would use in the conduct of an enterprise of a like character and with like aims; and, subject to like terms, conditions, limitations, and restrictions, the Board of Control, through its secretary-treasurer, shall have full power to hold, purchase, sell, assign, transfer, and dispose of any ~~such~~ investments in which ~~such the~~ funds created herein shall have been invested, as well as the proceeds of ~~said the~~ investments and any moneys belonging to ~~such the~~ funds.

"(2) The secretary-treasurer shall have the authority and it shall be his or her duty to carry out the investment policies fixed by the Board of Control, and pursuant thereto he or she shall examine all offers of investments made to ~~such the~~ funds, shall initiate inquiries as to available investments therefor, shall review periodically the investment quality and desirability of retention of investments held, and shall ~~from time to time~~ make ~~such~~ purchases and sales of investments as he or she shall deem to be in the best interests of ~~such the~~ funds and as the investment

committee hereinafter provided for, and as the consultant to the secretary-treasurer, if any, appointed by the Board of Control hereunder, to the extent of the purpose for which it is appointed, shall approve. The Teachers' Retirement System shall have full authority to employ its own legal counsel and to conduct and control any litigation in which it is involved through such counsel.

"(3) The Board of Control shall elect an investment committee which shall consist of three members of the board, one of whom shall be the director of finance. The investment committee shall act as agent for the board and shall consider all investment recommendations made by the secretary-treasurer and shall either approve or disapprove the same in accordance with policies set by the board. The investment committee may act through the affirmative vote of any two of its members, ~~except however that in the event said investment in any one enterprise exceeds the sum of \$500,000, an affirmative vote of all three members of the investment committee must be had.~~ Approvals may be secured informally in advance but shall in any event be confirmed by written authorization to be attached to the invoice of the transaction.

"(4) The Board of Control may appoint and employ as consultant to the secretary-treasurer, in the purchase, sale, and review of investments of ~~said the funds, to such the~~ extent as the board may designate, a bank having its principal office in the State of Alabama, having capital, surplus, and undivided profits of not less than ~~\$3,000,000~~ three hundred million dollars (\$300,000,000), and having an organized investment department. The bank so appointed shall not sell securities to the retirement system, other than United States government securities, or repurchase agreements for which no commission shall be charged.

"(5) The secretary-treasurer shall report to the Board of Control all purchases and sales of investments made by him or her pursuant hereto at least once semiannually.

"(b) The Board of Control shall allow annually regular interest on the mean amount for the preceding year in each of the funds, with the exception of the expense fund. The amounts so allowed shall be due and payable to ~~said the~~ funds and shall be credited annually thereto by the Board of Control from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid from the pension accumulation fund, and any excess of earnings over ~~such the~~ amount required shall be paid to the pension accumulation fund. Regular interest shall mean ~~such the~~ percent rate or rates to be compounded annually as shall be set ~~from time to time~~ by the Board of Control, ~~such the~~ rate or rates to be limited to a minimum of three percent and a maximum of four and three-fourths percent.

"(c) Moneys accruing to the annuity savings fund, the annuity reserve fund, the pension accumulation fund, and the pension reserve funds shall be certified by the secretary-treasurer for deposit in the State Treasury to the credit of the Teachers' Retirement System. All moneys provided in accordance with the

~~provisions of this chapter for administrative expense shall be certified for deposit in the State Treasury to the credit of the Teachers' Retirement System expense fund. All payments from said the funds shall be made by the State Treasurer on warrants drawn by the State Comptroller upon vouchers signed by two persons designated by the Board of Control. A duly attested copy of a resolution of the Board of Control designating such the persons and bearing on its face specimen signatures of such the persons shall be filed with the State Comptroller as his or her authority for drawing warrants upon such the vouchers. No voucher shall be drawn unless it has previously been authorized by resolution of the Board of Control or included in the budget adopted by the board.~~

"(d) Except as otherwise herein provided, no member of the Board of Control and no employee of the board shall have any direct interest in the gains or profits of any investment made by the board, nor as such receive any pay or emolument for his or her services. No member or employee of the Board of Control shall, directly or indirectly, for himself or herself or as an agent, in any manner use the same, except to make such the current and necessary payments as are authorized by the board; nor shall any member or employee of the Board of Control become an endorser or surety or in any manner an obligor for moneys loaned or borrowed from the board."

Section 4. Section 16-25-26, Code of Alabama 1975, is amended to read as follows:

"§16-25-26.

~~"(a) It is hereby declared to be lawful and permissible for any teacher person who has retired under this chapter to perform duties in any capacity with any employer participating in the Employees' Retirement System or the Teachers' Retirement System; provided, that under no circumstances shall any retired teacher person employed under the terms of this section be employed or contract for employment in a permanent full-time capacity or replace a full-time teacher in the public schools of Alabama and any state-supported institution of higher learning; with any employer participating in the Teachers' Retirement System or the Employees' Retirement System; provided, that such teacher the person is physically and mentally able to do so in the opinion of the employing authority and earn or receive remuneration in any form, including but not limited to, wages, salary, expenses, other than reimbursement for expenses which are normally reimbursable employee expenses, consulting fees, or contract payments, not more than \$2,100.00 per year or as much as the base allowed under federal social security for a person age 67 as set from year to year without affecting his or her status under this chapter.~~

"(b) Any person who has retired from the Teachers' Retirement System may serve for compensation in an elected public office with the state, a county, or an incorporated municipality if the public office is not covered by the Teachers' Retirement System.

~~"(b) (c) Such The retired teacher person shall continue to receive all retirement benefits that such the retired teacher person would receive if he or she were not serving as a teacher in the public schools of Alabama and any state-supported institution of higher learning; employed subject to the limitations of this section.~~

~~"(e) (d) The responsibility for compliance with the provisions of this section is hereby placed upon the employing authority, and each teacher person employed under the provisions of this section shall certify to the employing board employer any information required in order to carry out the provisions of this section."~~

Section 5. Section 36-27-1, Code of Alabama 1975, is amended to read as follows:

"§36-27-1.

"When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) RETIREMENT SYSTEM. The employees' retirement system of Alabama as defined in section 36-27-2.

"(2) EMPLOYEE. Any regular employee of the state of Alabama whose salary is paid on a monthly basis by state warrant by the state, except a member of the legislature of the state, a person who is covered or eligible to be covered under the teachers' retirement system of Alabama or any other retirement system to which contributions are made by the state, an elective official of the state government, ~~or a department head authorized to exercise sovereign power of the state~~ and a temporary employee or person engaged under retainer or special agreement; ~~except, that a member who becomes an elected official of the state government not subject to supernumerary retirement or a department head authorized to exercise sovereign power of the state through appointment by the governor shall continue to be an "employee" within the meaning of this section.~~ In all cases of doubt the board of control shall determine who is an employee within the meaning of this article. ~~Such The~~ term shall include any regular employee of the Alabama state hospitals and Partlow State School and Hospital and the Alabama state docks department, however paid.

"(3) EMPLOYER. The state of Alabama or any department, commission, institution, or any other agency of and within the state by which an employee is paid, including employers as provided in section 36-27-6.

"(4) MEMBER. Any employee included in the membership of the system as provided in section 36-27-4.

"(5) BOARD OF CONTROL. The board provided for in section 36-27-23 to administer the retirement system.

"(6) MEDICAL BOARD. The board of physicians provided for in section 36-27-23.

"(7) SERVICE. Service as an employee paid for by an employer.

"(8) PRIOR SERVICE. Service rendered prior to the date of establishment of the retirement system for which credit is allowable under section 36-27-11.

"(9) MEMBERSHIP SERVICE. Service as an employee rendered while a member of the retirement system and on account of which contributions are made.

"(10) CREDITABLE SERVICE. "Prior service" plus "membership service" rendered since last becoming a member.

"(11) BENEFICIARY. Any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this article.

"(12) REGULAR INTEREST. Interest compounded annually at ~~such the~~ the rate as shall be determined by the board of control in accordance with subsection (f) of section 36-27-25.

"(13) ACCUMULATED CONTRIBUTIONS. The sum of all the amounts deducted from the compensation of a member credited to his or her individual account in the annuity savings fund, together with regular interest thereon, as provided in section 36-27-24.

"(14) EARNABLE COMPENSATION. The full rate of compensation that would be payable to an employee if he or she worked the full normal work-time. In cases where compensation includes maintenance, the board of control shall fix the value of that part of the compensation not paid in money. Earnable compensation shall not exceed the limitations imposed by §401(a)(17) of the Internal Revenue Code for public pension funds, except that any employee who was a member of the Employees' Retirement System before the first plan year beginning after December 31, 1995, shall not be subject to the earning limitations set forth in §401(a)(17).

"(15) AVERAGE FINAL COMPENSATION. The average annual compensation of an employee, with respect to which he or she had made contributions pursuant to subsection (b) of section 36-27-24 during the three years, in his or her last 10 years of creditable service for which ~~such the~~ the average is highest or during his or her entire period of creditable service if less than three years; except, that for any period prior to November 1, 1959, the compensation used in computing such the average shall include compensation in excess of the maximum amount with respect to which members were required to contribute.

"(16) ANNUITY. Payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments.

"(17) PENSION. Payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments.

"(18) RETIREMENT ALLOWANCE. The sum of the "annuity" and the "pension."

"(19) RETIREMENT. Withdrawal from active service with a retirement allowance or optional benefit in lieu thereof granted under ~~the provisions of this article.~~

"(20) ANNUITY RESERVE. The present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of ~~such the~~ mortality tables ~~as shall be~~ adopted by the board of control and regular interest.

"(21) PENSION RESERVE. The present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of ~~such the~~ mortality tables ~~as shall be~~ adopted by the board of control and regular interest.

"(22) ACTUARIAL EQUIVALENT. A benefit of equal value when computed upon the basis of ~~such the~~ mortality tables ~~as shall be~~ adopted by the board of control and regular interest.

"(23) STATE POLICEMAN. An employee in the classified service under the Merit System Act approved by the personnel board to perform the duties of highway patrolman or a beverage control agent or a crime investigator. ~~Such The~~ term shall not include a member employed as a policeman under ~~the provisions of~~ section 36-27-6."

Section 6. Section 36-27-25, Code of Alabama 1975, is amended to read as follows:

"§36-27-25.

"(a) The Board of Control shall be the trustees of the several funds of the Employees' Retirement System created by this article as provided in Section 36-27-24 and shall have full power to invest and reinvest ~~such the~~ funds, through its Secretary-Treasurer in ~~such the~~ classes of bonds, mortgages, common and preferred stocks, shares of investment companies or mutual funds, or other investments as the Board of Control may ~~from time to time~~ approve, ~~subject to all the terms, conditions, limitations and restrictions imposed by the laws of Alabama upon domestic life insurance companies in the making of their investment.~~ with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. Subject to like terms, conditions, limitations and restrictions, the Board of Control, through its Secretary-Treasurer, shall have full power to hold, purchase, sell, assign, transfer,

and dispose of any ~~such~~ investments in which ~~such~~ the funds created in Section 36-27-24 shall have been invested as well as the proceeds of ~~said the~~ investments and any moneys belonging to ~~such the~~ funds. ~~No purchase of stocks or other so-called equity securities shall be made for such funds which shall cause the total of such stocks or equity securities held in such funds at any one time to exceed 20 percent of the total book value of all investments held in such funds.~~

"(b) The Governor ex officio, shall be ~~chairperson~~ the chair of the Board of Control. At the board meeting when the new positions created by Acts 1994, No. 94-616 are sworn into office, the Board of Control shall elect from its membership a ~~vice-chairperson~~ vice-chair who shall have at least three years of service experience on the board. The ~~vice-chairperson~~ vice-chair shall serve a term concurrent with that of the position of Investment Committee Place No. 1.

"(c) The Secretary-Treasurer shall have the authority and it shall be his or her duty to carry out the investment policies fixed by the Board of Control and, pursuant thereto, he or she shall examine all offers of investments made to ~~such the~~ funds, shall initiate inquiries as to available investments therefor, shall review periodically the investment quality and desirability of retention of investments held and shall ~~from time to time~~ make such purchases and sales of investments as he or she shall deem to the best interests of ~~such the~~ funds and as the Investment Committee provided for in subsection (d) of this section and as the consultant to the Secretary-Treasurer, if any, appointed by the Board of Control under subsection (e) of this section, to the extent of the purpose for which it is appointed, shall approve. The Employees' Retirement System shall have full authority to employ its own legal counsel and to conduct and control any litigation in which it is involved through such counsel.

"(d) The Board of Control shall provide for an investment committee which shall consist of three members of the board, one of whom shall be the Director of Finance. At the first board meeting held after April 26, 1994, two members of the board, who individually have at least three years of service experience on the board, shall be elected to serve on the Investment Committee in positions designated as Places No. 1 and No. 2. The person elected to serve in Place No. 1 shall serve for an initial term of one year while the person elected to serve in Place No. 2 shall serve for an initial term of two years. Successor terms for both places on the committee shall be for two years and successor candidates for the elected places shall meet the aforementioned board service experience requirement. The Investment Committee shall act as agent for the board and shall consider all investment recommendations made by the Secretary-Treasurer and shall either approve or disapprove the same in accordance with policies set by the board. The Investment Committee may act through the affirmative vote of any two of its members. Approvals may be secured informally in advance but shall in any event be confirmed by written authorization to be attached to the invoice for the transaction.

"(e) The Board of Control may appoint and employ as consultant to the Secretary-Treasurer in the purchase, sale, and review of investments of ~~said the~~

funds, to ~~such the~~ extent as the board may designate, a bank having its principal office in the State of Alabama, having capital, surplus and undivided profits of not less than ~~\$3,000,000.00~~ three hundred million dollars (\$300,000,000) and having an organized investment department. The bank so appointed shall not sell securities to the retirement system other than U.S. government securities, or repurchase agreements for which no commission shall be charged.

"(f) The Secretary-Treasurer shall report to the Board of Control all purchases and sales of investments made by him or her pursuant to this section at least once semiannually.

"(g) The Board of Control shall allow annually regular interest on the mean amount for the preceding year in each of the funds, with the exception of the expense fund. The amounts so allowed shall be due and payable to ~~said the~~ funds and shall be credited annually ~~thereto~~ to the funds by the board of control from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid from the pension accumulation fund, and any excess of earnings over ~~such the~~ amount required shall be paid to the pension accumulation fund. Regular interest shall mean ~~such the~~ percentage rate or rates to be compounded annually as shall be set ~~from time to time~~ by the Board of Control, ~~such the~~ rate or rates to be limited to a minimum of three percent and a maximum of four and three-fourths percent.

"(h) Funds accruing to the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Accumulation Fund, and the Pension Reserve Fund shall be certified by the Secretary-Treasurer for deposit in the state treasury to the credit of the Employees' Retirement System. All moneys provided in accordance with ~~the provisions of~~ this chapter for administrative expenses shall be certified for deposit in the State Treasury to the credit of the Employees' Retirement System Expense Fund. All payments from ~~said the~~ funds shall be made by the State Treasurer on warrants drawn by the State Comptroller upon vouchers signed by two persons designated by the Board of Control. A duly attested copy of the resolution of the Board of Control designating ~~such the~~ persons and bearing on its face specimen signatures of ~~such the~~ persons shall be filed with the State Comptroller as his or her authority for drawing warrants upon ~~such the~~ voucher.

"(i) Except as otherwise provided in this article, no member of the Board of Control and no employee of the board shall have any direct interest in the gains or profits of any investment made by the board nor as such receive any pay or emolument for his or her services. No member or employee of the Board of Control shall, directly or indirectly, for himself or herself or as an agent in any manner use the same, except to make ~~such the~~ current and necessary payments ~~as are~~ authorized by the board, not shall any member or employee of the Board of Control become an endorser or surety or in any manner an obligor for moneys loaned to or borrowed from the board."

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 92. To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to provide for certain retirees who are elected to public office to continue to draw certain benefits under certain conditions; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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CO-SPONSOR ADDED

Representative Warren was added as co-sponsor to the bill, H. 92, as amended.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Allen intended to vote "Yea" on passage of the bill, H. 92, as amended.

And the bill:

H. 27. To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

was taken up.

RESOLUTIONS

The following resolutions were introduced:

By Representative Hilliard:

H.J.R. 146. EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.

The resolution, H.J.R. 146, was read and referred to the Standing Committee on Rules.

Also:

By Representative Box:

H.J.R. 147. COMMENDING DIANNE DAVIS MCWAIN OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 147, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Hill and Knight (A):

H.R. 148. COMMENDING DR. NORMA ROGERS FOR 35 YEARS OF OUTSTANDING SERVICE.

Also:

The following resolutions were introduced:

By Representatives Hill and Knight (A):

H.J.R. 149. COMMENDING DR. NORMA ROGERS FOR 35 YEARS OF OUTSTANDING SERVICE.

The resolution, H.J.R. 149, was read and referred to the Standing Committee on Rules.

Also:

By Representative Box:

6th Day

H.J.R. 150. COMMENDING THE MCGILL-TOOLEN GIRLS GOLF TEAM FOR OUTSTANDING ACCOMPLISHMENT.

The resolution, H.J.R. 150, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 151. COMMENDING THE MCGILL-TOOLEN GIRLS GOLF TEAM FOR OUTSTANDING ACCOMPLISHMENT.

ADJOURNMENT

On motion of Representative Thomas (J), the House adjourned until 1:00 o'clock p.m., Tuesday, May 16, 1995.

Yeas 44; Nays 42.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Burke, Buskey, Collins, Dean, Dolbare, Drake, Dukes, Graham, Haney, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, Melton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Perdue, Pringle, Reed, Robinson, Sanderford, Seibenhener, Spratt, Starkey and Thomas (J).

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Nay:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Clouse, Curry, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Millican, Minnifield, Moore, Morrow, Morton, Parker (P), Payne, Petelos, Rogers (M), Sanderson, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable and White.

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SEVENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, May 16, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Brother Ken Chapman, Pinson Church of Christ, Pinson, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jennifer Jackson, 8th Grade, Daughters of the American Revolution School, Grant, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the sixth legislative day was dispensed with.

REPORT FILED

The Report of the Legislative Oversight Committee of the Alabama International Airport Authority established in 1991 by the Alabama Legislature was submitted by the Chairman, Dr. William Bell, to the Alabama Legislature of 1995, and the report was ordered filed.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 2:00 o'clock p.m. on Wednesday, May 17, 1995, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 146. EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.

WHEREAS, Amtrak is energy efficient and environmentally beneficial, consuming about half as much energy per passenger mile as airlines, and causing less air pollution; and

WHEREAS, Amtrak provides mobility to citizens of many smaller communities poorly served by air and bus services, as well as to those senior citizens, disabled people, students, and persons with medical conditions preventing them from flying who need trains as a travel option; and

WHEREAS, Amtrak is nine times safer than driving on a passenger-mile basis, and operates even in severe weather conditions; and

WHEREAS, Amtrak travel rose 48% from 1982 to 1993, and dramatically improved coverage of its operating costs from revenues; and

WHEREAS, expansion of Amtrak service by using existing rail rights-of-way would cost less and use less land than new highways and airports, and would further increase Amtrak's energy-efficiency advantage; and

WHEREAS, federal investment in Amtrak has fallen in the last decade while it has risen for airports and highways; and

WHEREAS, states may use highway trust fund money as an 80% federal match for a variety of non-highway programs, but they are prohibited from using such monies for Amtrak projects; and

WHEREAS, Amtrak pays a fuel tax that airlines do not pay; and

WHEREAS, Amtrak workers and vendors pay more in taxes than the federal government invests in Amtrak; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the President and the Congress to take the following steps:

That Federal funding of Amtrak not be reduced;

That Amtrak be exempted from paying fuel taxes as are airlines;

That states be given the flexibility to use federal highway trust fund monies on Amtrak projects if they so choose; and

That federal officials include a strong Amtrak system in any plans for a National Transportation System.

On motion of Representative Carter, the resolution, H.J.R. 146, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 147. COMMENDING DIANNE DAVIS MCWAIN OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the selection of Dianne Davis McWain of Saraland, Alabama as 1995

Alabama Elementary Counselor of the Year and 1995 National Elementary School Counselor of the Year; and

WHEREAS, Mrs. McWain, as guidance counselor at Robert E. Lee Elementary School, Grades K-5, since 1990, has demonstrated exemplary commitment to students, parents, teachers, the community, and to her profession; and

WHEREAS, in her care and concern for the well-being of her young students, she has endeavored to assist them in developing to their maximum potential, and to equip them with the skills to enable them to become well adjusted, contributing members of society; and

WHEREAS, to this end, she has implemented and coordinated a number of successful programs and projects, including Partners in Education, Honor Assemblies, "Terrific Kid," and the Extended Day Program, among others; and

WHEREAS, as a dedicated professional, Mrs. McWain has provided leadership and service in numerous areas in such capacities as committee member, coordinator, consultant, advisor, and representative on local, state and national levels, and has received a number of accolades and awards for her contributions and accomplishments; and

WHEREAS, in her position as president of the Alabama School Counselors Association, Mrs. McWain has worked diligently to keep members abreast of new information, techniques and trends; to provide programs and opportunities for members so that they may better serve their clients; and to increase professionalism in the association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, and upon her selection as 1995 Alabama Elementary Counselor of the Year, and 1995 National Elementary School Counselor of the Year, we hereby most highly commend Dianne Davis McWain of Saraland, Alabama, and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 147, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 149. COMMENDING DR. NORMA ROGERS FOR 35 YEARS OF OUTSTANDING SERVICE.

WHEREAS, it is with great pleasure and pride that the Alabama Legislature recognizes Dr. Norma Rogers, who is departing as Superintendent of Education of Shelby County after many years of distinguished service to the educational system of Alabama; and

WHEREAS, Dr. Rogers has a prestigious and extensive career as an educator serving as a teacher at Chelsea School, a teacher, counselor, then principal of Valley Elementary School, a consultant of the State Department of Education Leadership and Management Improvement Program--Public Relations/Stress Management, and an evaluator for the National Diffusion Network, U.S. Department of Education Washington, D.C.; and

WHEREAS, Dr. Rogers received a Bachelor's degree from the University of Montevallo, a Master's degree from Samford University, an Associate degree from the University of Alabama at Birmingham, a Ph. D from the University of Alabama, and has additionally pursued post graduate work at other notable universities; and

WHEREAS, a native of Chelsea, Alabama, residing in the Indian Springs area of Shelby County, Alabama, Dr. Norma Rogers is the devoted wife of Dr. Robert Rogers, and they are the proud parents of one son, Mike; and

WHEREAS, Dr. Norma Rogers is well deserving of this sincere praise due to her invaluable contributions and unwavering commitment to the countless students she has touched and inspired; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we hereby accord highest commendation to Dr. Norma Rogers, the Superintendent of Education of Shelby County, in tribute to her tremendous service to the education system of Alabama, and we do furthermore direct that a copy of this resolution be presented as evidence of our appreciation and esteem.

On motion of Representative Carter, the resolution, H.J.R. 149, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 150. COMMENDING THE MCGILL-TOOLEN GIRLS GOLF TEAM FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors Mobile's McGill-Toolen Girls Golf Team for winning the 1995 State Championship; and

WHEREAS, the extraordinary Lady Jackets, whose record this year was 44 wins and 0 losses, soundly defeated other opponents by an astounding 60 strokes to win the state title for the second consecutive year, and for five out of the past six years; and

WHEREAS, undefeated in Alabama for the second year in a row, the McGill-Toolen Girls Golf Team has also been victorious in the Miracle Strip Golf Classic by 31 strokes, the Fort Payne Invitational by 38 strokes, and has won each match by an average of an astounding 34 strokes; and

WHEREAS, these girls, who are expertly directed by Coach Tom Buhring, and who deserve special recognition for their tremendous accomplishments and performance as a McGill-Toolen Lady Jacket are: seniors Leslie Brislin and Amanda Mize, who received all-county honors, and juniors Leigh Ankerson and Tricia Burch, who received all-county and all-state honors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the McGill-Toolen Girls Golf Team, the 1995 state champions, and furthermore direct that copies of this resolution be provided as evidence of our pride and esteem.

On motion of Representative Carter, the resolution, H.J.R. 150, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 49. EXTENDING CONGRATULATIONS TO THE HONORABLE AND MRS. DEWAYNE FREEMAN OF HUNTSVILLE, ALABAMA, ON THE BIRTH OF A SON, MADISON BAILLIE FREEMAN, APRIL 27, 1995.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 49.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 53. COMMENDING THE PRATTVILLE JUNIOR HIGH SCHOOL SCIENCE OLYMPIAD TEAM FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 53.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 54. COMMENDING DR. AND MRS. DEWEY ANDERSON WHITE, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 54.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 55. HONORING MRS. ANN B. HEAD OF COLUMBIANA, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 55.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 143. CONDEMNING PARAMILITARY GROUPS ADVOCATING VIOLENCE AGAINST THE UNITED STATES GOVERNMENT.

WHEREAS, the messages of anarchy and violence against the United States Government advocated by paramilitary groups throughout the country have resulted in violent acts of overthrow of the United States Government, and injury and death to federal law enforcement officers, federal employees, and innocent citizens; and

WHEREAS, these violent themes were played out tragically in the Waco, Texas Branch Dividian Compound shootout in 1993, and again in the bombing of the federal building in Oklahoma City, Oklahoma in 1995; and

WHEREAS, many of these paramilitary groups are formed not for the purposes of protecting United States citizens from acts of foreign aggression, but rather for the avowed purposes of resistance to, and overthrow of, the federal government, involving violent means if necessary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby condemn the paramilitary groups in this country that advocate violent resistance to, and overthrow of, the United States Government.

On motion of Representative Carter, the resolution, H.J.R. 143, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

S.J.R. 42. TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE.

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, to the resolution, S.J.R. 42, said committee substitute being as follows:

TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE.

WHEREAS, Article V of the Constitution of the United States requires that whenever two-thirds of both Houses of Congress propose amendments to the Constitution, ratification of those amendments is required by three-fourths of the Legislatures of the States; and

WHEREAS, amendments proposed to the Constitution of the United States have a serious impact upon the process of government and upon the lives of every citizen of this nation; and

WHEREAS, the Congress is now in the process of considering an amendment to the Constitution which would require the budget of the federal government to be balanced; and

WHEREAS, upon the adoption of a balanced budget amendment by Congress, the Alabama Legislature will be called upon to consider this amendment; and

WHEREAS, the prospect of a federally balanced budget may require Congress to significantly alter the federal budget which could have serious

repercussions upon the budget of the State of Alabama, local and county governments, and the educational system of this State; and

WHEREAS, for the Alabama Legislature to be properly prepared for any deliberation on a federal balanced budget amendment, there is need for a bipartisan, unbiased review of the impact the federal budget now has upon the State of Alabama, and what impact a balanced budget amendment for the federal government will have upon the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Balanced Budget Evaluation Committee which shall be charged with the responsibility to evaluate the impact that an amendment to the Constitution of the United States requiring the federal budget be balanced will have upon the State of Alabama, local and county governments, and the educational system of this State.

BE IT FURTHER RESOLVED, That the Balanced Budget Evaluation Committee shall be composed of three appointees of the Governor, three appointees of the Lieutenant Governor, one of which shall be a member of the Senate, and three appointees of the Speaker of the House of Representatives, one of which shall be a member of the House of Representatives. Staff assistance shall be provided to the Balanced Budget Evaluation Committee by the Legislature and the Governor is requested to lend the assistance of the State Budget Office to assist the Committee. The Balanced Budget Evaluation Committee shall report its findings to the Governor and Legislature no later than 180 days after Congress adopts a proposed amendment to balance the federal budget. Members shall be entitled to receive reimbursement for their actual expenses which shall be paid from funds appropriated to the Legislature and the Governor's Office. Expenses of the committee shall not exceed \$7,500 per year.

RESOLVED FURTHER, That this committee shall continue in existence until the final day of the 1998 Regular Session or the date upon which the Balanced Budget Amendment is ratified, whichever date occurs first, at which time the committee shall terminate.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Governor.

SUBSTITUTE ADOPTED

And the substitute was adopted.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 42, as amended.

BILLS ON SECOND READING

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 438. (With Substitute): To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the sum of the capital credits authorized by this act and certain other tax and other incentives offered by the state and certain local entities shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that the provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for those new projects.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 242. Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

H. 431. Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 396. Relating to Talladega County; providing further for the fees of constables.

H. 415. Providing for a board of education for the City of Decatur, to be elected by the qualified electors of the city; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing members and for filling vacancies on the board; providing for board representation for persons not residing within a specific school district; providing certain immunity for board members; and providing for financial audits of the records of the board.

H. 416. Relating to the City of Decatur; to authorize the city to provide each city police officer who retires in good standing with his or her badge and a pistol.

H. 417. Relating to the City of Decatur; to provide for the abatement of grass and weeds which become a nuisance under certain conditions; to provide for notice to the property owners; to provide for the assessment of the costs for abatement when the work is required to be performed by the city; and to provide for liens on the property under certain conditions.

H. 452. Relating to Greene County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

H. 485. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

H. 497. Relating to the City of Muscle Shoals in Colbert County; establishing a civil service system and providing for classified services; establishing a personnel board and providing for the appointment, term, and powers of board members; providing for the establishment of a register and filling of vacancies; and providing for penalties.

H. 512. Relating to Covington County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

H. 514. Relating to Marion County; authorizing the sheriff to operate a jail canteen; authorizing the sheriff to retain profits accruing from the pay telephones, vending machines, and canteen in the county jail in a special fund to be used by the sheriff for law enforcement purposes; and confirming and ratifying certain prior actions.

RESOLUTION

The following resolution was introduced:

By Representative Flowers:

H.J.R. 152. COMMENDING THE HONORABLE M. JOHN STEENSLAND, JR., OF DOTHAN, ALABAMA.

The resolution, H.J.R. 152, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hawkins:

H. 540. To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in adoption proceedings.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 541. Relating to pharmacists; to provide for the registration and regulation of pharmacy technicians; and to provide for definitions.

COMMITTEE ON HEALTH

By Representative Hammett:

H. 542. To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to

provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales and to provide for certain redemption procedures.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Hammett:

H. 543. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," which pertains to consumer credit transactions; to amend Section 5-19-3, to provide that credit sales may be financed at one and one-half percent per month; to amend Section 5-19-4, to permit annual charges for open-end credit plans and loan fees and to increase permissible late charges which may be imposed for late payment; to amend Section 5-19-4, to specify that recording taxes prescribed by law and paid to public officials are within the fees permitted by subsection (f) of Section 5-19-4; to amend Section 5-19-6, to specify the requirement that creditors provide a copy, but not a "duplicate" of any consumer credit agreement with the borrower and to clarify that the type size of the "caution" language shall be in not less than eight-point type; to amend Section 5-19-11, to further specify the 1990 Amendments to that section, restating that a consumer credit contract that violates the Mini-Code is not completely void and unenforceable as a result of the violation; to amend Section 5-19-16, to only allow the unconscionability doctrine as a defense, and not to obtain affirmative relief, and to affirmatively state that a creditor who performs under a contract later determined to be unconscionable, is entitled to restitution; to amend Section 5-19-19, to specify that the imposition of excess charges or fees by creditors under Sections 5-19-4, 5-19-10, and 5-19-20, does not constitute the charging of an excess finance charge for the purposes of Section 5-19-19, and to modify the penalty for a creditor who charges an excess finance charge by first requiring an aggrieved debtor to give notice to the creditor charging an excess finance charge, giving the creditor an opportunity to cure the same without penalty, and to provide that if the creditor fails to act upon the notice, the creditor then forfeits its right to a finance charge and is required to pay any actual damages sustained by the borrower; to amend Section 5-19-20, to specify the ability of creditors to protect their interest in consumer loan collateral by permitting creditors to purchase insurance on the collateral if the borrower fails to do so and to clarify existing law with respect to insuring the lien of the creditor in both purchase money and nonpurchase money transactions, and to give the administrator the power to approve the sale of new credit insurance products; to amend Section 5-19-21, to empower the administrator to issue interpretive rulings concerning the meaning of the Mini-Code or the administrator's regulations and to provide that a creditor is entitled to rely on the administrator's regulations and official interpretive rulings and is immune from suit under the Mini-Code or any other cause of action regarding actions taken in reliance thereon; to amend Section 5-19-24, to provide that examinations and investigations of the State Banking Department and the books and records of licensees in the possession of the State Banking Department, are confidential and not subject to production to persons other than those within the State Banking Department; and to add two

new sections to Title 5, Chapter 19, as follows: Section 5-19-32, to specifically provide for mediation, arbitration, or other alternative dispute resolution devices in consumer credit transactions; and Section 5-19-33, to permit creditors to sell and finance service policies, or both, and to define a service policy as not constituting insurance.

COMMITTEE ON BANKING

By Representatives Melton, Spratt, Hilliard, Hall (L), Minnifield, McAdory, Houston, and Johnson (E):

H. 544. To create the Alabama Commission on Historically Black Colleges and Universities; provide for creation of an advisory council; establish of a board of directors; provide for appointment to the board of directors; provide for the powers and duties of the commission; and appropriate \$2,000,000 from the Alabama Special Educational Trust Fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Ford, Page, and Galliher (With Notice and Proof):

H. 545. Relating to Etowah County; to provide for the establishment of the Etowah County Community Development Committee; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 545, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Black (L) (With Notice and Proof):

H. 546. Relating to Sumter County; to repeal Act No. 85-471, H. 754 of the 1985 Regular Session (Acts 1985, p. 465), providing supplemental fee allowances for constables and for additional court costs.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 546, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare:

H. 547. To amend Section 24-7-2 of the Code of Alabama 1975, relating to the membership removal hearing of the Mowa Choctaw Housing Authority; to provide that the tribal council shall conduct the hearing for removal of a member from the authority.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 548. Relating to contracts for school class pictures; providing that any refund or discount of any part of the contract price by photographers shall be paid to the parent of the child whose picture has been taken.

COMMITTEE ON JUDICIARY

By Representatives Curry, Petelos, and Houston (With Notice and Proof):

H. 549. Relating to the City of Hueytown in Jefferson County; to provide for the abatement of nuisances in the form of certain weeds, objects, or unsafe structures; to provide notices to the property owners, hearing procedures, abatement of the nuisances, the assessment of costs against the property, and for the collection of the costs.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 549, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Knight (A), Smith, Hill, Morrow, Lindsey, Laird, Graham, Crigler, Sanderson, Boyd, Payne, Townsend, Gaines, McKee, Petelos, Minnifield, Jorgensen, Millican, Baker, Robinson, Papucci, Sims, Burke, Morton, Parker (P), Hawk, Layson, Willis, Hinshaw, Galliher, Allen, Carter, Morrison, Page, Hilliard, Curry, Dean, Penry, McMillan, Seibenhener, Letson, Vance, Haney, Spratt, Dolbare, Jackson, Hall (L), Johnson (E), Fuller, Bandy, Maul, Murphree, Clouse, Warren, White, Hammett, Clark (W), Melton, Sanderford, Guin, Drake, Rogers (M), McAdory, Houston, Black (L), and Reed:

H. 550. To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Knight (A):

H. 551. To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

COMMITTEE ON HEALTH

By Representative Penry:

H. 552. To repeal Chapter 6 of Title 28, Code of Alabama 1975, relating to licensing of native farm wineries.

COMMITTEE ON WAYS AND MEANS

By Representatives Sims, Boyd, and Rogers (M) (With Notice and Proof):

H. 553. Relating to Calhoun County, authorizing the sheriff to sale certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 553, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Sims, Boyd, and Rogers (M) (With Notice and Proof):

H. 554. To provide an additional method by which the City of Oxford in Calhoun County may extend its corporate limits in addition to any other method now provided by law.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 554, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Clouse, Seibenhener, Moore, Carothers, and Baker:

H. 555. To amend Section 40-9B-3, Code of Alabama 1975; to expand the industrial or research enterprise categories which qualify for tax abatements to include cotton gins; and to provide a retroactive effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Hamilton, Carter, Ford, Hammett, Carns, Sanderson, Venable, Johnson (R), Warren, Layson, Parker (T), Newton (C), Reed, Seibenhener, and Moore:

H. 556. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

COMMITTEE ON JUDICIARY

By Representative Hill (With Notice and Proof):

H. 557. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 557, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Millican, Johnson (R), and Dolbare:

H. 558. To amend Sections 32-6-4 and 32-6-4.1 of the Code of Alabama 1975, relating to nondriver identification cards; to provide that any person under the age of 62 years shall renew the nondriver identification card every eight years; to provide that a mentally or physically disabled person who is incapable of obtaining a driver's license shall not be charged, except for the fee of the judge of probate or license commissioner of the county; to provide that a person 62 years of age and older shall not be required to renew the card except as provided by Section 32-6-4.1, Code of Alabama 1975, and the rules and regulations of the Director of the Department of Public Safety; to provide for the cost and renewal of nondriver identification cards; to authorize the Director of Public Safety to adopt and enforce reasonable rules and regulations relating to the use of the nondriver identification card; and to provide for an effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Johnson (R), Flowers, Clark (J), Pringle, Wren, McMillan, Burke, Gaston, Sims, Carter, Ford, Carothers, Millican, Clouse, and Penry:

H. 559. To amend Section 1 of Act No. 94-369, S. 41, 1994 Regular Session, now appearing as Section 22-21-260; Section 22-21-261; Section 1 of Act No. 94-369, S. 41, 1994 Regular Session, now appearing as Section 22-21-263; Sections 22-21-264 to 22-21-267, inclusive, 22-21-270, 22-21-271, and 22-21-274 to 22-21-277, inclusive, Code of Alabama 1975; to repeal Sections 22-21-262, 22-21-268, 22-21-269, 22-21-272, 22-21-273, and 22-21-278, Code of Alabama 1975; to eliminate the inclusion of an analysis of the need for development of certain health services in the annual state plan; to eliminate the certificate of need requirement for certain health services; to provide requirements for the addition of hospital or nursing home beds to certain health facilities; to provide requirements for obtaining a certificate of need to add beds by a hospital or nursing home.

COMMITTEE ON HEALTH

By Representative Hill:

H. 560. To amend Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, to provide further for the plan for linked deposits administered by the Office of the State Treasurer.

COMMITTEE ON BANKING

By Representative Burke:

H. 561. To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-

transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

COMMITTEE ON HEALTH

By Representative Burke:

H. 562. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act; and to prescribe fines for certain violations of the act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Graham:

H. 563. To provide that any person, firm, or corporation shall contract with a public institution of higher education for the use of symbols or logos of the institution subject to review by the Contract Review Oversight Committee of the Legislature, to prohibit the sale, distribution, or exchange of items bearing symbols or logos of public institutions of higher education without prior consent, and to provide a penalty for violation.

COMMITTEE ON EDUCATION

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 219. Relating to material or fraudulent misrepresentations, omissions, concealment of fact, and dishonest acts or omissions by an insurance agent who sells life and health insurance; to further provide for the regulation of insurance agents who sell life and health insurance, the revocation of the license of the agent or other penalties and remedial measures, and for this purpose amending Sections 27-8-16, 27-8-19, 27-8-20, Code of Alabama 1975, relating to these; and to provide for the exemption of liability for certain insurance companies or corporations that have documented remedial action to motivate the agent to cease or desist from unethical or inappropriate behavior.

TOMMY CARTER
Chairman

And the bill, H. 219, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 92. To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to provide for certain retirees who are elected to public office to continue to draw certain benefits under certain conditions; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

TOMMY CARTER
Chairman

And the bill, H. 92, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, H. 86, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Guin, Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, Moore, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Pringle, Robinson, Rogers (M), Seibenhener, Smith, Spratt, Townsend, Turner, Turnham, Warren, White and Willis.

And the bill:

H. 86. Relating to Morgan County; to authorize the establishment and operation of a county archives; and to provide for funding and staffing of the archives.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Rogers (M), Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, H. 78, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Black (M), Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, McMillan, Melton, Moore, Morrison, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turnham, Warren, White and Willis.

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And the bill:

H. 78. Relating to the compensation of the Morgan County Superintendent of Education; amending Section 1 of Act No. 91-477, H. 578 of the 1991 Regular Session (Acts 1991, p. 865), to further provide for the salary.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Carns, Carothers, Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McKee, McMillan, Melton, Moore, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gipson, the Budget Isolation Resolution relating to the bill, H. 284, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, McClammy, McKee, McMillan, Melton, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Seibenhener, Smith, Starkey, Thomas (D), Turner, Turnham, Warren, White, Willis and Wren.

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And the bill:

H. 284. Relating to Autauga County; relating to the compensation and expense allowance for the Sheriff of Autauga County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of the sheriff.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Maull, McAdory, McClammy, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Smith, Starkey, Townsend, Turner, Turnham, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, H. 460, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Maull, McAdory, McDaniel, Melton, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, White, Willis and Wren.

-62

And the bill:

H. 460. Relating to St. Clair County; to amend Sections 1 and 2 of Act No. 80-280, S. 459, 1980 Regular Session (Acts 1980, p. 394), to provide further for personnel in the office of the sheriff.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Layson, Maull, McAdory, McKee, Moore, Morrison, Murphree, Papucci, Parker (T), Payne, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Warren, Willis and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Allen, the Budget Isolation Resolution relating to the bill, H. 302, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morton, Murphree, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Warren, White and Wren.

-61

And the bill:

H. 302. Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session, as amended, providing for the expense allowance and salary of the Sheriff of Tuscaloosa County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maul, McDaniel, McKee, McMillan, Melton, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Warren and Wren.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Allen, the Budget Isolation Resolution relating to the bill, H. 486, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carothers, Carter, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McClammy, McDaniel, McKee, Melton, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Warren, White, Willis and Wren.

-69

And the bill:

H. 486. To repeal Act No. 323, H. 514, 1975 Regular Session, relating to compensation increases for certain employees of the Sheriff's Department in Tuscaloosa County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Morrison, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Smith, Spratt, Starkey, Townsend, Venable, Warren, White, Willis and Wren.

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RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H.R. 153. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 7th legislative day, Tuesday, May 16, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 406 - By Newton (D)	59
Jefferson Co., bingo prizes, Amd. 386 of Constitution of 1901 am'd.	
H. 195 - By Guin	10
Corporations purchasing coal mined, sold, and used in Alabama, income tax credit provided	
H. 451 - By Hall (A)	40
Plumbers and Gas Fitters Examining Bd., deputy dir. auth., cert. applicants exempt from examination, Secs. 34-37-4, 34-37-5, 34-37-6 am'd.	

REGULAR SESSION
7th Day

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H. 369 - By Newton (D) 58

Child support, distrib. by Human Resources Dept. on pro rata basis if insufficient amt. collected, to cease upon fulfillment or child reaching majority, escrow provisions, Secs. 38-10-8, 38-10-12 am'd.

H. 218 - By Gaines 8

Unincorporated nonprofit associations, powers, liabilities, and governance req., liability, standing, service

H. 142 - By Buskey (As Amended) 34

Corrections Dept., inmates in co. jails, responsibility of dept. for medical care, Sec. 14-3-30 am'd.

H. 48 - By Warren 2

Surface mining operations, permitting and bonding by Industrial Relations Dept., persons operating noncommercial operation for own use exempt, Secs. 9-16-4, 9-16-8 am'd.

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
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H. 233 - By Fuller (As Amended and Substituted)	34
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State agencies, various, supp. approp., state agencies, various, approp. reduced

On motion of Representative Carter, the resolution, H.R. 153, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Page:

H.R. 154. HONORING ERNESTINE JORDAN CROWELL ON THE OCCASION OF HER BIRTHDAY.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 406, was adopted.

Yeas 48; Nays 6.

Yea:

Mr. Speaker, Bandy, Box, Buskey, Carter, Clark (W), Clouse, Collins, Dean, Dukes, Ford, Galliher, Gaston, Graham, Guin, Hall (A), Haney, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Mitchell, Morrow, Newton (D), Page, Papucci, Parker (T), Penry, Reed, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Vance, Warren and Willis.

-48

Nay:

Representatives Carns, Drake, Parker (P), Payne, Thomas (D) and Townsend.

- 6

And the bill:

H. 406. To amend subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by nonprofit organizations for charitable and educational purposes, to provide that the amounts of prizes shall not exceed the amounts set by local law.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 7.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Dukes, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw,

7th Day

Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Moore, Morrow, Newton (D), Page, Papucci, Parker (T), Penry, Perdue, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (J), Turner, Vance, Venable, Warren and Willis.

-65

Nay:

Representatives Carns, Drake, Layson, Parker (P), Payne, Smith and Thomas (D).

- 7

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 195, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-79

And the bill:

H. 195. Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

was taken up.

SUBSTITUTE OFFERED

Representative Guin offered the following substitute to the bill, H. 195:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the tax years beginning on and after January 1, 1995, every corporation, foreign or domestic, that is doing business in Alabama, has been incorporated for at least one year, has been using coal mined in Alabama for at least one year, and does not export coal from Alabama, shall be allowed a credit against the tax imposed by Section 40-18-2 of the Code of Alabama 1975, in the amount of one dollar (\$1) per ton of coal purchased by the corporation after January 1, 1995, provided the coal was mined, sold, and used in Alabama as certified by the producer of the coal. The amount of the total of credit in any one year shall be based on the number of tons of coal purchased by the corporation in the year which exceeds the number of tons of Alabama coal purchased by the corporation in calendar year 1994. In the event a corporation did not purchase Alabama coal during 1994, the amount of the total of credit in any one year shall be based on the number of tons of coal purchased by the corporation in the year which exceeds the number of tons of Alabama coal purchased by the corporation in the previous calendar year.

Section 2. The Department of Revenue shall promulgate and issue rules and regulations to implement and administer this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Guin, Hall (A), Hammett,

Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-83

And the bill:

H. 195. Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Boyd intended to vote "Yea" on passage of the bill, H. 195, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 451, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Petelos, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, White and Willis.

-78

And the bill:

H. 451. To amend Sections 34-37-4, 34-37-5, and 34-37-6 Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to extend the time period in which certain applicants may be licensed by the board without being required to take an examination.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-83

Nay:

Representative Turner.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 369, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 369. To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson,

Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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NOTICE IN WRITING FILED

Representative Gaines filed the following Notice in Writing:

Notice is hereby given in accordance with House Rule 19 that Newton (D) is designated to serve as sponsor for H. 218.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 218, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 218. Setting forth the Alabama Unincorporated Nonprofit Association Act, providing for the governance, powers, duties, liability in tort and contract, capacity, and standing of a nonprofit association and its members and officers; providing for the effect of a judgment or order, claims for relief, transitions concerning real property, venue, service of process of a nonprofit association, and disposition of property of an inactive or dissolved association; specifying certain laws not repealed; and providing a prospective effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Buskey, the Budget Isolation Resolution relating to the bill, H. 142, was adopted.

Yeas 70; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrow, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-70

Nay:

Representatives Carns, Carothers, Fuller, Hammett, McKee, Morrison, Petelos and Sanderson.

- 8

And the bill:

H. 142. (With Amendments): To amend Section 14-3-3, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 153, the time to debate the bill, H. 142, and the pending committee amendments expired and the Speaker proceeded to the next bill on the Special Order Calendar.

H. 48 AGAIN TAKEN UP

And the bill:

H. 48. To amend Sections 9-16-4 and 9-16-8 of the Code of Alabama of 1975, to exempt a person operating a noncommercial surface mining operation on his or her property for their use from the permitting and bonding requirements.

which was carried over on the sixth legislative day was again taken up.

AMENDMENT OFFERED

Representative Warren offered the following amendment to the bill, H. 48:

Amend House Bill 48 on page 2, line 11, by deleting lines 11 through 13 in their entirety and inserting in lieu thereof the following:

"(b) A person who operates a noncommercial surface mining operation on his or her property for their use or for donation of material to charitable organizations or governmental entities shall be exempt from the requirements of this section."

Further amend House Bill 48 on page 5, line 11, by deleting lines 11 through 13 in their entirety and inserting in lieu thereof the following:

"(f) A person who operates a noncommercial surface mining operation on his or her property for their use or for donation of material to charitable organizations or governmental entities shall be exempt from the requirements of this section."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-79

And the bill:

H. 48. To amend Sections 9-16-4 and 9-16-8 of the Code of Alabama of 1975, to exempt a person operating a noncommercial surface mining operation on his or her property for their use from the permitting and bonding requirements.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy,

McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 233, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Willis.

-90

And the bill:

H. 233. (With Substitute) (With Amendments): To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$6,600,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,980,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of

\$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; and to provide for an effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically the Unified Judicial System conditional appropriation language by reducing the amount of the conditional appropriation; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the

Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under "Administrative Services Program" by increasing the transfer to the State General Fund; and to provide for an effective date.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the committee substitute to the bill, H. 233, and to the pending committee amendments:

A BILL TO BE ENTITLED AN ACT

To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically deleting the Unified Judicial System conditional appropriation language; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a

\$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund, increasing the appropriation to the Administrative Services Program and increasing the appropriation from the Public Service Commission Fund to the Public Service Commission; to provide for a first priority conditional appropriation of \$2,500,000 to the Department of Human Resources from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically amending the conditional appropriation language under the Department of Human Resources; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the following agencies from the State General Fund the following amounts for the fiscal year ending September 30, 1995:

Department of Corrections.....	3,715,000
Attorney General.....	1,100,000
Ethics Commission.....	250,000
Department of Agriculture and Industries	
1,000,000	
To be used for the Boll Weevil Eradica- tion program.	
Unified Judicial System.....	2,000,000
Department of Youth Services.....	500,000
To be used to continue the funding of Juvenile Probation Officers subsidy program.	
Department of Human Resources.....	1,000,000

Section 2. The appropriations made in Act No. 94-486 passed in the 1994 Regular Session to the following agencies from the State General Fund are hereby reduced by the following amounts for the fiscal year ending September 30, 1995:

Forestry Commission.....	200,000
Department of Transportation.....	700,000
Alabama Development Office.....	500,000
Department of Conservation.....	300,000
Department of Finance.....	200,000
Farmers' Market Authority-Capital Outlay.....	136,646
Agriculture and Industries.....	100,000
Veterans Affairs.....	72,287
Commission on Aging.....	70,000
Military Department.....	41,500
Emergency Management Agency.....	30,000

Section 3. The appropriation made in Act No. 94-486 passed in the 1994 Regular Session to the Department of Corrections, Institutional Services Corrections Program in the amount of \$300,000 is no longer mandated to be expended for boot camp expenditures.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$4,500,000 to the Department of Corrections from Corrections' Miscellaneous Revenues for the fiscal year ending September 30, 1995.

Section 5. The appropriation made in Act No. 94-486 passed in the 1994 Regular Session to the Department of Aeronautics, Airport Improvement Program is hereby Estimated and can be used only as grants awarded by the Alabama Aeronautics Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautics facilities in the state of Alabama.

Section 6. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Social Work Examiners Fund to the Board of Social Work Examiners the sum of \$15,000 for the fiscal year ending September 30, 1995.

Section 7. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Veterinarian Medical Examiners Fund to the Board of Veterinary Medical Examiners the sum of \$60,000 for the fiscal year ending September 30, 1995.

Section 8. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Alabama Department of Transportation the sum of \$21,604,827 from the Public Road and Bridge Fund, \$20,104,827 of which is to be used for Federal Aid Matching and \$1,500,000 to be used for transfer to the Department of Public Safety for Traffic Law Enforcement for the fiscal year ending September 30, 1995.

Section 9. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Department of Public Safety the amount of \$1,500,000 as a transfer from the Public Road and Bridge Fund and the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995.

Section 10. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$110,000 to the Tennessee Valley Exhibit Commission from the Tennessee Valley Exhibit Commission Fund for the fiscal year ending September 30, 1995.

Section 11. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$300,000 to the Home Builders Licensure Board from the Home Builders Recovery Fund for the fiscal year ending September 30, 1995.

Section 12. The appropriation made in Act No. 93-771 passed in the 1993 Regular Session to the Farmers' Market Authority for Capital Outlay from the State General Fund is hereby reduced by the sum of \$424,362 for the fiscal year ending September 30, 1995.

Section 13. The appropriation made in Act No. 93-771 passed in the 1993 Regular Session to the Alabama Indian Affairs Commission from the State General Fund is hereby reduced by the sum of \$150,000 for the fiscal year ending September 30, 1995.

Section 14. The appropriation made in Act No. 92-621 passed in the 1992 Regular Session to the Farmers' Market Authority for Capital Outlay from the State General Fund is hereby reduced by the sum of \$85,205 for the fiscal year ending September 30, 1995.

Section 15. The following conditional appropriation language relating to court costs made in Act 94-486 passed in the Regular Session of 1994 to the Unified Judicial System from the State General Fund is hereby deleted:

"Of the above appropriation for the Court Operations Program, \$2,595,000 shall be conditioned upon deposits to the State General Fund from court costs and fines equaling or exceeding \$40,500,000 for the 1994-95 fiscal year. The conditional appropriation of \$2,595,000 may be released on a quarterly basis if the Director of Finance certifies each quarter that deposits to the State General Fund from court costs and fines are being deposited at the rate necessary to reach

\$40,500,000 by September 30, 1995. During any quarter the Director of Finance may, in addition to certifying and releasing funds for that quarter, certify and release funds for any previous quarter for which he did not certify and release funds."

Section 16. It is the intent of the Legislature that the appropriation made in Act 94-486 passed in the 1994 Regular Session to the Alabama Agriculture Museum Board may be used for Capital Outlay purposes by the Board.

Section 17. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$35,000 to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund for the fiscal year ending September 30, 1995.

Section 18. The transfer of \$2,000,000 from the Alcoholic Beverage Control Board to the Department of Public Safety made in Act No. 94-486 passed in the 1994 Regular Session is no longer mandated to be transferred. Furthermore, the appropriation to the Department of Public Safety from the ABC transfer is reduced \$2,000,000.

Section 19. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$250,000 to the Alabama Historical Commission from the Alabama State Historical Preservation Fund for the fiscal year ending September 30, 1995.

Section 20. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated to the Department of Transportation an amount to be determined by the Director of Finance not to exceed \$300,000 from the State General Fund for the fiscal year ending September 30, 1995. This appropriation is conditioned upon the Department of Transportation's obligation to Amtrak exceeding \$650,000 for services during the 1994-95 fiscal year.

Section 21. The appropriation and transfer language made in Act No. 94-486 passed in the 1994 Regular Session to the Public Service Commission is hereby amended to read as follows:

Fund Sources Included
in Appropriation Total

<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
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" 1 5 . P U B L I C S E R V I C E
COMMISSION:

(a) Regulatory Services Program.....

5,868,366

(b) Administrative Services Program....

6,252,206

The above appropriation includes a transfer to the State General Fund of \$2,000,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund.... 11,388,492

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund..... 486,080

(3) Departmental Receipts..... 6,000

(4) Federal and Local Funds..... 240,000

Total Public Service Commission..... 12,120,572 12,120,572"

Section 22. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated to the Department of Human Resources the amount of \$2,500,000 from the State General Fund for the fiscal year ending September 30, 1995 as a first priority conditional. This appropriation is conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor. This shall be the first conditional appropriation to be released from the State General Fund and shall be released in full before any other conditional appropriation can be released.

Section 23. The conditional appropriation language made in Act No. 94-486 passed in the 1994 Regular Session to the Department of Human Resources is hereby amended to read as follows:

"In addition to the above appropriation to the Department of Human Resources, there is also hereby appropriated an amount up to \$7,312,000 to be utilized in increasing the total AFDC benefit payments by up to 16%, as a second priority conditional, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor. This shall be the second conditional appropriation to be released from the State General Fund and shall be released in full before any other lower priority conditional appropriation can be released. In addition to the above appropriation to the Department of Human Resources, there is hereby appropriated the sum of \$1,399,349 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Section 24. It is the intent of the Legislature, that twenty days before any inter-agency transfers occur, of any type, including contracting, of any of the funds appropriated in this act, the agency transferring these funds shall notify, in writing, the Chairman of the House Ways and Means Committee and the Chairmen of the Senate Finance and Taxation Committee.

Section 25. All laws or parts of laws which conflict with this act are hereby repealed.

Section 26. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

Yeas 92; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

Nay:

Representative Thomas (D).

- 1

And the bill:

H. 233. To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically deleting the Unified Judicial System conditional appropriation language; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund, increasing the appropriation to the Administrative Services Program and increasing the appropriation from the Public Service Commission Fund to the Public Service Commission; to provide for a first priority conditional appropriation of \$2,500,000 to the Department of Human

Resources from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically amending the conditional appropriation language under the Department of Human Resources; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 195. Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

TOMMY CARTER
Chairman

And the bill, H. 195, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

The House then proceeded with the consideration of the bills on the Regular Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 27, was adopted.

Yeas 70; Nays 9.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Newton (C), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-70

Nay:

Representatives Ford, Galliher, Holmes, Layson, Parker (T), Perdue, Petelos, Smith and Starkey.

- 9

And the bill:

H. 27. To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 17.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Gaston, Gipson, Graham,

Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hilliard, Hinshaw, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Morrison, Morrow, Newton (C), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Townsend, Vance, Venable, White, Willis and Wren.

-63

Nay:

Representatives Carothers, Ford, Galliher, Hill, Holmes, Knight (A), Laird, Layson, Moore, Morton, Murphree, Page, Parker (T), Petelos, Smith, Starkey and Thomas (D).

-17

S. 163 SUBSTITUTED FOR H. 77

In accordance with House Rule 20 and on motion of Representative Sanderson, the bill, S. 163, was substituted for the bill, H. 77.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Townsend, Vance, Venable, White and Wren.

-75

Nay:

Representative Bandy.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, S. 163, was adopted.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-80

Nay:

Representative Holmes.

- 1

And the bill:

S. 163. To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

was read a third time at length and passed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J),

Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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H. 77 INDEFINITELY POSTPONED

On motion of Representative Sanderson, the bill, H. 77, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 71, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Bandy, Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 71. To amend Sections 6-6-1 and 8-1-41 of the Code of Alabama 1975, relating to arbitration, so as to make agreements to arbitrate future controversies enforceable.

was taken up.

SUBSTITUTE OFFERED

Representative Hammett offered the following substitute to the bill, H. 71:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 6-6-1 and 8-1-41 of the Code of Alabama 1975, relating to arbitration, so as to make agreements to arbitrate future controversies enforceable.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-6-1 and Section 8-1-41 of the Code of Alabama 1975, are amended to read as follows:

"§6-6-1.

~~"It is the duty of all courts to encourage the settlement of controversies pending before them by a reference thereof to arbitrators chosen by the parties or their attorneys and, on motion of the parties, must make such order and continue the case for award.~~

"The policy of this state is to encourage the resolution of pending and future controversies through negotiation, mediation, arbitration, or other alternative dispute resolution procedures. Agreements in writing which provide for arbitration to resolve present or future controversies shall be specifically enforceable by the courts; provided, however, the foregoing to the contrary notwithstanding, any such agreements made in connection with or as part of any contract or agreement for or respecting the growing or raising of agricultural commodities, crops, produce or livestock shall not be specifically enforceable."

"§8-1-41.

"The following obligations cannot be specifically enforced:

"(1) An obligation to render personal service;_

"(2) An obligation to employ another in personal service;_

"(3) ~~An agreement to submit a controversy to arbitration;~~

"(4) (3) An agreement to perform an act which the party has not power lawfully to perform when required to do so;_

"(5) (4) An agreement to procure the act or consent of the wife of the contracting party or of any other third persons; ~~or.~~

"~~(6)~~ (5) An agreement, the terms of which are not sufficiently certain to make the precise act which is to be done clearly ascertainable."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 71. To amend Sections 6-6-1 and 8-1-41 of the Code of Alabama 1975, relating to arbitration, so as to make agreements to arbitrate future controversies enforceable.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Bandy, Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow,

Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 142. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S.J.R. 42. TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE.

McDOWELL LEE
Secretary

REPORT FILED

The Report of the Permanent Joint Legislative Committee on Finances and Budgets created by Act 91-652, was submitted by Senator Lowell Barron, Chairman of the Finance and Taxation Committee - General Fund, Senator Hank Sanders, Chairman, Finance and Taxation Committee - ASETF and Representative Bill Fuller, Chairman, Ways and Means Committee, to the Alabama Legislature of 1995, and the report was ordered filed.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 233. To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically deleting the Unified Judicial System conditional appropriation language; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund, increasing the appropriation to the Administrative Services Program and increasing the appropriation from the Public Service Commission Fund to the Public Service Commission; to provide for a first

priority conditional appropriation of \$2,500,000 to the Department of Human Resources from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically amending the conditional appropriation language under the Department of Human Resources; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

TOMMY CARTER
Chairman

And the bill, H. 233, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 223. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Hillsboro in Lawrence County.

Also:

H. 224. Relating to Lawrence County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 42. TO CREATE A BALANCED BUDGET EVALUATION COMMITTEE

Also:

S.J.R. 46. COMMENDING BUCKS AND BOBBY WEIL FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

S.J.R. 49. EXTENDING CONGRATULATIONS TO THE HONORABLE AND MRS. DEWAYNE FREEMAN OF HUNTSVILLE, ALABAMA, ON THE BIRTH OF A SON, MADISON BAILLIE FREEMAN, APRIL 27, 1995.

Also:

S.J.R. 53. COMMENDING THE PRATTVILLE JUNIOR HIGH SCHOOL SCIENCE OLYMPIAD TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 54. COMMENDING DR. AND MRS. DEWEY ANDERSON WHITE, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

S.J.R. 55. HONORING MRS. ANN B. HEAD OF COLUMBIANA, ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 128, was adopted.

Yeas 43; Nays 9.

Yea:

Mr. Speaker, Baker, Bandy, Box, Boyd, Burke, Clark (W), Collins, Crigler, Dean, Ford, Gaines, Gaston, Guin, Hammett, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Letson, McAdory, McClammy, McDaniel, McKee, Mitchell, Murphree, Papucci, Parker (P), Parker (T), Pringle, Sanderford, Seibenhener, Thomas (D), Townsend, Turner, Vance and Willis.

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Nay:

Representatives Dolbare, Drake, Hall (A), Hayden, Jackson, Morrison, Morrow, Robinson and Smith.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 128 TEMPORARILY CARRIED OVER

On motion of Representative Hooper, the bill, H. 128, was temporarily carried over in accordance with House Rule 21.

RESOLUTIONS

The following resolution was introduced:

By Representatives Kennedy, Gaston, Clark (W), Box, Mitchell, Crigler, Turner, Dean, Buskey and Pringle:

H.J.R. 155. COMMENDING ANN DELCHAMPS OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

7th Day

The resolution, H.J.R. 155, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Houston:

H.R. 156. WELCOMING THE NEIGHBORHOODS, U.S.A. ANNUAL CONFERENCE TO BIRMINGHAM, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Houston:

H.J.R. 157. WELCOMING THE NEIGHBORHOODS, U.S.A. ANNUAL CONFERENCE TO BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 157, was read and referred to the Standing Committee on Rules.

Also:

By Representative Black (L):

H.J.R. 158. COMMENDING MRS. RUBY MILLER ON THE OCCASION OF HER RETIREMENT.

The resolution, H.J.R. 158, was read and referred to the Standing Committee on Rules.

Also:

By Representative Black (L):

H.J.R. 159. COMMENDING MRS. VIRGINIA OZMENT ON THE OCCASION OF HER RETIREMENT.

The resolution, H.J.R. 159, was read and referred to the Standing Committee on Rules.

Also:

By Representative Black (L):

H.J.R. 160. COMMENDING MR. ROBERT SMITH ON THE OCCASION OF HIS RETIREMENT.

The resolution, H.J.R. 160, was read and referred to the Standing Committee on Rules.

Also:

By Representative Black (L):

H.J.R. 161. COMMENDING MRS. LAURA ELIZABETH LOWERY LITTLE FOR DISTINGUISHED SERVICE.

The resolution, H.J.R. 161, was read and referred to the Standing Committee on Rules.

Also:

By Representative Box:

H.J.R. 162. COMMENDING BECKY DICKINSON OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 162, was read and referred to the Standing Committee on Rules.

Also:

By Representative Box:

H.J.R. 163. CONGRATULATING MR. AND MRS. ROBERT GORDON LISTER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

The resolution, H.J.R. 163, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Butler:

S.J.R. 58. COMMENDING BROOKHILL ELEMENTARY SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Butler:

S.J.R. 59. COMMENDING CLARENCE H. MCDANIEL OF THE ATHENS-LIMESTONE COUNTY COMMUNITY AS CITIZEN OF THE YEAR.

Also:

By Senator Butler:

S.J.R. 60. COMMENDING MIKE BENNETT OF ATHENS, ALABAMA, AS BUSINESS PERSON OF THE YEAR.

Also:

By Senator Little:

S.J.R. 64. COMMENDING COACH DOUG BARFIELD ON THE OCCASION OF HIS RETIREMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 58, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

REGULAR SESSION
7th Day

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Also:

The resolution, S.J.R. 59, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 60, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 64, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Representative Clark (W), the House adjourned until 2:00 o'clock p.m., Wednesday, May 17, 1995.

Yeas 55; Nays 29.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carter, Clark (W), Crigler, Curry, Dean, Drake, Dukes, Galliher, Gaston, Graham, Guin, Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Lindsey, McAdory, McClammy, McKee, Melton, Minnifield, Mitchell, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Pringle, Reed, Robinson, Rogers (J), Sanderford, Spratt, Starkey, Townsend, Turner, White, Willis and Wren.

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Nay:

Representatives Baker, Box, Carothers, Clouse, Collins, Flowers, Ford, Gaines, Gipson, Hall (A), Haney, Hill, Hooper, Johnson (R), Knight (A), Laird, McMillan, Millican, Moore, Morrow, Page, Penry, Petelos, Sims, Smith, Thomas (D), Turnham, Vance and Venable.

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EIGHTH DAY

**House of Representatives
Montgomery, Alabama
Wednesday, May 17, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Rusty Taylor, Frazer United Memorial Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ryan Poover, 8th Grade, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the seventh legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, May 18, 1995, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 152. COMMENDING THE HONORABLE M. JOHN STEENSLAND, JR., OF DOTHAN, ALABAMA.

WHEREAS, it is with sincere admiration and esteem that the Alabama Legislature extends highest commendation and heartiest congratulations to the Honorable M. John Steensland, Jr., Houston County District Court Judge, for his able and concerted efforts in the administration of justice and to protect the public against drunk drivers; and

WHEREAS, Judge Steensland was born and raised in Dothan, Houston County, Alabama, and is the great grandson of one of Dothan's pioneer founding families, J. P. Folkes and his wife, Mary Frances Folkes; and

WHEREAS, Judge Steensland was educated in the public schools in Dothan, graduated from Dothan High School, attended Marion Military Institute, and received his B. S. degree in civil engineering from the University of Alabama and a Juris Doctor degree from Jones School of Law in Montgomery; and

WHEREAS, Judge Steensland assumed the position of Houston County District Court Judge in January 1989, and, in the years to follow, has most ably and competently served the people of Alabama; and

WHEREAS, Judge Steensland has been commended by the Administrative Office of Courts for his innovative alternative sentencing techniques such as helping initiate a community service program requiring misdemeanor offenders to participate in an organized effort to pick up litter on our county roads known as the "litter detail," and the sentencing of misdemeanor offenders, who have not graduated from high school, to complete a course of study leading to their taking the General Education Development (GED) test; and

WHEREAS, Judge Steensland's effective and firm sentencing practices exhibit a disdain of past attitudes toward, and lack of deterrence to, intoxicated people driving on our roads, and shows his intolerance of the conduct of DUI offenders by his norm in sentencing convicted DUI offenders to twelve months custody for any conviction of DUI, with this twelve month custody being served in jail, on a work release program, or on an electronic monitoring program, along with extensive mandatory substance abuse treatment; and

WHEREAS, Judge Steensland is an active member in his community, serving on the board of directors of the Boys' Club of Dothan, Inc., as chairman of the Houston County Pretrial Release/Work Release Commission, as a member of the Dothan Rotary Club, Alabama District Court Judge's Association, Houston County Adult Education Advisory Counsel, and as a senior high school Sunday School teacher at the Episcopal Church of Nativity, Dothan, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Judge M. John Steensland, Jr., for outstanding achievement, leadership and service as Houston County District Court Judge, and direct that he receive a copy of this resolution of highest personal and professional regard for his many accomplishments on behalf of the people of Houston County, the State of Alabama, and the nation.

On motion of Representative Carter, the resolution, H.J.R. 152, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 155. COMMENDING ANN DELCHAMPS OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Alabama House of Representatives, in highest tribute, notes the distinguished community service of Ann Delchamps of Mobile, Alabama, and her selection as Mobilian of the Year by the Mobile Civitan Club; and

WHEREAS, Ann Delchamps is a lady of exceptional stature whose generous and extensive contributions to the arts and the cultural life of the Mobile community and across our state have been immeasurable; and

WHEREAS, a longtime supporter of the arts, Mrs. Delchamps has been actively involved with the Historic Mobile Preservation Society, serves as a member of the board of the Mobile Arts Council and as vice chairman of the state arts council, and is a founder of "First Night Mobile," a popular and successful program featuring all disciplines of the arts; and

WHEREAS, a native of Sulligent, Alabama, Mrs. Delchamps and her husband the late Fred Delchamps, also a prominent figure in civic and business affairs, are the parents of three children, Carolyn Eichold, and Tom and Al Delchamps; and

WHEREAS, Ann Delchamps personifies the very best in civic leadership and service and indeed serves as a worthy example to be emulated by others who strive for the best in personal, public and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Ann Delchamps of Mobile, Alabama, as "Mobilian of the Year", and for the many significant contributions she has made to the Mobile community and to the state.

BE IT FURTHER RESOLVED, That she be provided a copy of this resolution as a measure of our tribute and esteem and sincere best wishes for every future success.

On motion of Representative Carter, the resolution, H.J.R. 155, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 157. WELCOMING THE NEIGHBORHOODS, U.S.A. ANNUAL CONFERENCE TO BIRMINGHAM, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature warmly welcomes the 20th Annual Neighborhoods, U.S.A. (NUSA) Conference Celebration to Birmingham, Alabama, on May 24-27; and

WHEREAS, NUSA, which is a national non-profit organization committed to building and strengthening neighborhood organizations by enhancing the relationships between neighborhoods, local governments, and public/private

agencies, will focus this year's conference on the theme, "Reaching Common Ground Through Strong Neighborhoods," in an effort to promote the tremendous benefits unified neighborhoods can accomplish; and

WHEREAS, addressing common vital issues, concerns, and success stories of cities and neighborhoods across the country, the NUSA Conference will feature interesting and informative workshops, historically diverse neighborhood tours throughout Birmingham, a reception with Mayor Richard Arrington and other officials of Birmingham, an awards luncheon, and a Birmingham Farewell Gala; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we hereby welcome the 20th Annual Neighborhoods, U.S.A. Conference to Birmingham, Alabama, on May 24-27, 1995, and furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Representative Carter, the resolution, H.J.R. 157, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 158. COMMENDING MRS. RUBY MILLER ON THE OCCASION OF HER RETIREMENT.

WHEREAS, it is with great pleasure and utmost pride that the Alabama Legislature accords warmest congratulations and paramount praise to Mrs. Ruby Miller on the occasion of her retirement from 18 years as a teacher at North Sumter Jr. High School; and

WHEREAS, a graduate of Mississippi Valley State and Alabama State Universities, Mrs. Miller is an active participant in such notable organizations as the Sumter County Education Association, Alabama Education Association, National Education Association, and Zeta Phi Beta Sorority; and

WHEREAS, Ruby is a devoted member of First Baptist Church of Aliceville, and is the dedicated wife of Vernon Miller; they are the proud parents of one daughter and one son; and

WHEREAS, Mrs. Miller deserves special recognition in honor of her invaluable contributions to the countless students she has inspired and encouraged throughout her distinguished career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation to Mrs. Ruby Miller on the occasion of her retirement from 18 years of service as a teacher at North Sumter Jr. High School, and do furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Representative Carter, the resolution, H.J.R. 158, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 159. COMMENDING MRS. VIRGINIA OZMENT ON THE OCCASION OF HER RETIREMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature recognizes Mrs. Virginia Ozment on the occasion of her retirement from 29 years of service as a teacher in the school systems; and

WHEREAS, a graduate of Livingston University, and member of the Livingston Business Women Association, Mrs. Ozment has made immeasurable contributions through her distinguished career as a teacher of Sumterville and Livingston Jr. High Schools; and

WHEREAS, a dedicated member of Sumterville Baptist Church, Virginia is the loving wife of Edward Ozment, and they are the proud parents of five children, Sam, Bruce, Lynda, Nancy, and Annette, and grandparents of nine; and

WHEREAS, Mrs. Ozment has earned the respect and admiration of her colleagues, students, and their parents, and is indeed well deserving of this special recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Mrs. Virginia Ozment on the occasion of her retirement, and in honor of 29 years of service to our youth.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Ozment as evidence of our appreciation and esteem.

On motion of Representative Carter, the resolution, H.J.R. 159, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 160. COMMENDING MR. ROBERT SMITH ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature extends highest commendation and warmest congratulations to Mr. Robert Smith, who is retiring after 27 years of service to the Sumter County School System; and

WHEREAS, the principal of Kinterbish Jr. High School for eight years, Robert Smith has made invaluable contributions to the students of Sumter County in numerous areas, serving in the capacities of bus driver, night watchman, teacher, assistant principal, and most recently principal; and

WHEREAS, an active member of the Sumter County Education Association, National Education Association, Alabama Education Association, and the Sumter County Principal Association, Mr. Smith has furthermore served as a teacher at North Sumter Jr. High School, Sumter High School, and Kinterbish Jr. High School, and as assistant principal of Kinterbish and Livingston High Schools; and

WHEREAS, a graduate of Livingston University, and a devoted member of Lilly's Chapel A.M.E. Zion Church, Mr. Smith is well deserving of this special recognition for his distinguished service to those countless young people he has inspired, encouraged, and touched throughout the years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby accord highest acclaim and paramount praise to Mr. Robert Smith on the occasion of his retirement from 27 years of service to the Sumter County School System, and do furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Representative Carter, the resolution, H.J.R. 160, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 161. COMMENDING MRS. LAURA ELIZABETH LOWERY LITTLE FOR DISTINGUISHED SERVICE.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the retirement of Mrs. Laura Elizabeth Lowery Little, following 40 1/2 years of dedicated service to public education in our state; and

WHEREAS, Mrs. Little is a truly committed professional who, through the years, has significantly impacted the lives of countless young people under her tutelage and care; and

WHEREAS, Mrs. Little earned both B. S. and Masters degrees from Alabama A&M, and pursued further studies at the University of Alabama and Livingston University; and

WHEREAS, over the course of her longtime tenure, Mrs. Little taught at Marengo High School and Faunsdale Jr. High School in Marengo County, Sardis High School in Dallas County, and, since 1972, in devoted service at York West End Jr. High School in York, Alabama; and

WHEREAS, Mrs. Little has also served her profession as a member of a number of professional organizations and as president of SCEA for two terms, president of Sumter County Association of Classroom Teachers for one term, and as secretary of Unisere for three terms; and

WHEREAS, in addition, she has ably served her community, and, most especially Little Zion Baptist Church, Faunsdale, where she has served in such capacities as Sunday School teacher, Youth Choir director, Youth Department director, Senior Choir member, and as the first woman dean of Union Town District Sunday School and the Baptist Training Union Congress; and

WHEREAS, Mrs. Little, moreover, is a devoted wife to her husband, The Reverend Samuel Little, and mother of one daughter, Hermania Laurie Little; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of her retirement, and in recognition and tribute to her outstanding career as a public school educator for more than 40 years, we hereby commend Mrs. Laura Elizabeth Lowery Little of Sumter County, and direct that she receive a copy of this resolution of sincere regard and best wishes for the future.

On motion of Representative Carter, the resolution, H.J.R. 161, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 162. COMMENDING BECKY DICKINSON OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, on September 17, 1994, Becky Dickinson reached yet another milestone achievement in her accomplished career as head volleyball coach at McGill-Toolen High School since 1974; and

WHEREAS, with a spectacular 15-5, 15-4 win over Homewood High School during the McGill-Toolen Invitational Volleyball Tournament, Becky Dickinson claimed her 1000th career victory with only 90 losses; and

WHEREAS, in fact, Ms. Dickinson, who was recognized as the winningest volleyball coach in the nation by Sports Illustrated in 1993, and who holds 11 State Championships, has chronicled a number of prestigious honors over her distinguished tenure at McGill-Toolen; in 1986, she was one of only two women to be inducted into the McGill-Toolen Athletic Hall of Fame; in 1991, the first woman to be inducted into the Alabama High School Sports Hall of Fame; and in 1994, the only woman to be inducted into the Mobile Sports Hall of Fame; and

WHEREAS, Ms. Dickinson, who has also been named as the national all-time winningest high school coach in the National High School Sports Record Book, holds to date a record 1,041 wins with only 96 losses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Becky Dickinson of Mobile, Alabama, for whom a copy of this resolution shall be provided with sincere regard and best wishes for every future success.

On motion of Representative Carter, the resolution, H.J.R. 162, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 163. CONGRATULATING MR. AND MRS. ROBERT GORDON LISTER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, it is with sincere praise and regard that the Alabama Legislature notes the 60th Wedding Anniversary of Mr. and Mrs. Robert Gordon Lister of Satsuma, Alabama, on April 14, 1995; and

WHEREAS, Mr. Lister, born August 17, 1913, in Mobile, Alabama, attended Barton Academy, and worked for 30 years as a diesel mechanic with Warrior and Gulf Navigation Corporation until his retirement in 1975; and

WHEREAS, Mrs. Lister, the former Grey Corley, who was born March 25, 1916, in Marengo County, earned a degree from the University of South Alabama, and taught for 35 years in the Mobile County School System, until her retirement in 1980; and

WHEREAS, joined in matrimony on April 14, 1935, in Columbus, Mississippi, Mr. and Mrs. Lister are respected and valued members of their community whose lasting partnership and commitment to the ideals of marriage have served as an example to be admired and emulated by others; and

WHEREAS, on April 15, 1995, friends and family members, including the couple's three sons and their spouses, Robert and Sandra Lister of Mobile, Alabama, Daniel and Helen Lister of Shelby, North Carolina, and Wayne and Marty Lister of Semmes, Alabama, along with many of their 14 grandchildren and 9 great-grandchildren, gathered for a reception in their honor and to celebrate this milestone in their long and happy lives together; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, heartiest congratulations are hereby extended to this exemplary Mobile County couple, Mr. and Mrs. Robert Gordon Lister, on their 60th Wedding Anniversary, April 14, 1995, and it is further directed that they receive a copy of this resolution, executed in highest personal regard, and with sincere best wishes for many more happy years together.

On motion of Representative Carter, the resolution, H.J.R. 163, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 58. COMMENDING BROOKHILL ELEMENTARY SCHOOL FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 58.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 59. COMMENDING CLARENCE H. MCDANIEL OF THE ATHENS-LIMESTONE COUNTY COMMUNITY AS CITIZEN OF THE YEAR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 59.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 60. COMMENDING MIKE BENNETT OF ATHENS, ALABAMA, AS BUSINESS PERSON OF THE YEAR.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 60.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 64. COMMENDING COACH DOUG BARFIELD ON THE OCCASION OF HIS RETIREMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 64.

BILLS ON SECOND READING

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 449. To amend Sections 12-11-30 and 12-12-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit and district courts, to increase the civil jurisdiction of the district courts.

H. 401. To amend Section 8-8-11 of the Code of Alabama 1975, to provide that when a partial payment is made on a judgment for child or spousal support, including medical support, the payment shall be applied first to the principal due and the balance of the payment, if any, would be applied to the payment of the interest.

H. 491. Amending Section 15-10-3, Code of Alabama 1975, which provides the circumstances when a law enforcement officer may arrest without a warrant; to add harassment as an additional category of family violence; and to expand the definition of family or household member.

H. 492. To provide that domestic violence is detrimental to the child and to create a rebuttable presumption that it is not in the best interest of the child to be in the sole or joint custody of a parent who is the perpetrator of domestic or family violence; to specify factors to be considered by a court in awarding custody, visitation, and modification of an order.

H. 493. To amend Section 15-23-42 of the Code of Alabama 1975; to provide for the termination of the confidential communications privilege of a crime victim counselor upon the death of the victim.

H. 487. To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

S. 19. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 426. To require every state agency administering a federally funded employment and training program to include in each program a priority system for serving veterans and other eligible persons and to provide for definitions.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 330. (With Substitute): To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 1. To require the Department of Corrections to develop and implement a statewide program of manual labor for all able-bodied inmates within six months after the effective date of this bill, and whenever possible, to work in conjunction with local governments to develop a community-based manual labor work program for inmates; to provide that the program would emphasize the removal of litter from the highways of this state, the cleaning of unauthorized dumps and public cemeteries, the growing and raising of food for use by inmates or for sale to reduce the costs of incarceration to the taxpayers, the cleaning and maintenance of public parks, or municipal, county, or state property; to provide for exemptions; to authorize the department to devise work incentive credits for inmates; to provide that the work incentive credits would be reported to the State Board of Pardons and Paroles; and to provide that any inmate who refuses to work or comply with the department's behavior standards would be reported to the State Board of Pardons and Paroles.

H. 204. To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 313. (With Substitute): To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 314. To provide that physical evidence would not be precluded from a jury or court because of a break in the chain of custody.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 481. (With Amendment): Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards,

bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 504. To amend Section 44-1-51, Code of Alabama 1975, to provide further for the per diem of members of the Youth Services Board.

H. 207. To provide for special procedural due process rights for law enforcement officers prior to certain disciplinary actions against the officers.

H. 534. To amend Section 34-27-4 of the Code of Alabama 1975, to provide for the transfer of funds from the Real Estate Commission Proportionate Fund to the Real Estate Research and Education Center; to amend Section 34-27-35 of the Code of Alabama 1975, to provide for a research and education fee on each licensee; and to amend Section 34-27-31 of the Code of Alabama 1975, to allow the Real Estate Commission to transfer real estate recovery funds under certain conditions to the Real Estate Research and Education Center.

H. 316. Proposing an amendment to the Constitution of Alabama of 1901, providing for the award of punitive damages.

The above bill was read a second time at length as required by the Constitution.

H. 24. To amend Section 13A-10-1, Code of Alabama 1975, relating to definitions in offenses relating to obstruction of public administration, to include volunteer firefighters in the definition of "Firemen" and the fire control activities of volunteer fire departments in the definition of "Governmental Function."

H. 155. To amend Section 41-9-340, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, to provide that three members be appointed from Mobile County, one member from Baldwin County, and two members from each of the seven congressional districts as they exist on the effective date of this act.

H. 443. To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 228. (With Amendments): Relating to state employees; to prohibit the use of polygraph testing of state employees or prospective state employees; and to provide for penalties.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 517. To amend Section 41-16-51, of the Code of Alabama 1975, to exempt certain construction contracts from competitive bidding requirements.

H. 503. To amend Section 34-13-56, Code of Alabama 1975, relating to funeral services; and to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or regulations promulgated by the board.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 453. To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

H. 482. Relating to redemption of real property foreclosed under a mortgage or sold by virtue of a judgment, to reduce from one year to 90 days the period of time for the tender of payment or bringing of suit; for this purpose to amend Sections 6-5-248, 6-5-252, and 8-1-172 of the Code of Alabama 1975; and to provide the effective date of this provision.

S. 225. To amend Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, to provide further for the plan for linked deposits administered by the Office of the State Treasurer.

S. 89. To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

H. 543. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," which pertains to consumer credit transactions; to amend Section 5-19-3, to provide that credit sales may be financed at one and one-half percent per month; to amend Section 5-19-4, to permit annual charges for open-end credit plans and loan fees and to increase permissible late charges which may be imposed for late payment; to amend Section 5-19-4, to specify that recording taxes prescribed by law and paid to public officials are within the fees permitted by subsection (f) of Section 5-19-4; to amend Section 5-19-6, to specify the requirement that creditors provide a copy, but not a "duplicate" of any consumer credit agreement with the borrower and to clarify that the type size of the "caution" language shall be in not less than eight-point type; to amend Section 5-19-11, to further specify the 1990 Amendments to that section, restating that a consumer credit contract that violates the Mini-Code is not completely void and unenforceable as a result of the violation; to amend Section 5-19-16, to only allow the unconscionability doctrine as a defense, and not to obtain affirmative relief, and to affirmatively state that a creditor who performs under a contract later determined to be unconscionable, is entitled to restitution; to amend Section 5-19-19, to specify that the imposition of excess charges or fees by creditors under Sections 5-19-4, 5-19-10, and 5-19-20, does not constitute the charging of an excess finance charge for the purposes of Section 5-19-19, and to modify the penalty for a creditor who charges an excess finance charge by first requiring an aggrieved debtor to give notice to the creditor charging an excess finance charge, giving the creditor an opportunity to cure the same without penalty, and to provide that if the creditor fails to act upon the notice, the creditor then forfeits its right to a finance charge and is required to pay any actual damages sustained by the borrower; to amend Section 5-19-20, to specify the ability of creditors to protect their interest in consumer loan collateral by permitting creditors to purchase insurance on the collateral if the borrower fails to do so and to clarify existing law with respect to insuring the lien of the creditor in both purchase money and nonpurchase money transactions, and to give the administrator the power to approve the sale of new credit insurance products; to amend Section 5-19-21, to empower the administrator to issue interpretive rulings concerning the meaning of the Mini-Code or the administrator's regulations and to provide that a creditor is entitled to rely on the administrator's regulations and official interpretive rulings and is immune from suit under the Mini-Code or any other cause of action regarding actions taken in reliance thereon; to amend Section 5-19-24, to provide that examinations and investigations of the State Banking Department and the books and records of licensees in the possession of the State Banking Department, are confidential and not subject to production to persons other than those within the State Banking Department; and to add two new sections to Title 5, Chapter 19, as follows: Section 5-19-32, to specifically provide for mediation, arbitration, or other alternative dispute resolution devices in consumer credit transactions; and Section 5-19-33, to permit creditors to sell and finance service policies, or both, and to define a service policy as not constituting insurance.

H. 560. To amend Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, to provide further for the plan for linked deposits administered by the Office of the State Treasurer.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 498. (With Substitute): To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the state, the value of which is diminished as a result of state or certain local governmental regulation; to require that the state and its agencies, as well as counties in the state and their agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs so as to minimize the likelihood of inverse condemnation payments by governmental units in the state; to provide for a statute of limitations for inverse condemnation actions authorized by this act and for the award of certain costs to plaintiffs; to make provision for repeal and rescission of applicability of regulatory programs in certain situations; to provide for appropriate adjustments to appraised values for ad valorem tax purposes in cases of inverse condemnations payments so made.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 488. (With Amendments): To require that the Alabama Coalition Against Domestic Violence, Incorporated, establish standards for domestic violence shelters for membership in the coalition; make the domestic violence shelters within the State of Alabama that meet the standards eligible for receiving state funds, provide for the distribution of the funds; and require the coalition to establish standards for counseling programs for perpetrators of domestic violence.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 500. (With Amendment): To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 33. (With Substitute) (With Amendment): To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 94. (With Substitute) (With Amendment): To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 484. (With Substitute): Relating to the status of mayor in a Class 8 municipality with a mayor-council form of government; to provide that a Class 8 municipality may provide for a referendum at which the registered voters of the city may vote on the issue of whether, after the 1996 municipal election, the office of mayor will be a full-time position; to establish the appropriate procedures for the referendum; to further provide for the duties of a mayor in a Class 8 municipality that subsequently changes from a mayor-council form of government to a form of government other than a mayor-council form of government.

H. 375. (With Substitute): To amend of Section 11-23-6 of the Code of Alabama 1975, to make the requirement that industries located within the boundaries of any industrial park established pursuant to Chapter 23, Title 11, Code of Alabama 1975, furnish and maintain individually or as a group certain enumerated services, permissive and to repeal provisions for mutual agreements for provision of services between the industries and counties or municipalities, the annexation of the industrial parks by municipalities, the inclusion of the industrial

parks in the police jurisdictions of municipalities, and the jurisdictions of the sheriff and county courts over the industrial parks.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 282. To repeal Act No. 516 of the 1931 Regular Session of the Legislature of Alabama (Acts of Alabama 1931, p. 628) as formerly codified by Section 597 of Title 62 of the Code of Alabama 1940, and as amended by Act No. 443 of the 1947 Regular Session of the Legislature of Alabama (Local Acts of Alabama 1947, p. 302).

H. 17. To amend Section 17-4-138 of the Code of Alabama 1975, to limit the collection of the \$.05 fee per name from the list of qualified electors to judges of probate who are compensated on the fee system.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 479. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Wilcox County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

H. 546. Relating to Sumter County; to repeal Act No. 85-471, H. 754 of the 1985 Regular Session (Acts 1985, p. 465), providing supplemental fee allowances for constables and for additional court costs.

H. 557 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 557, from the Standing Committee on Local Legislation No. 1 to the Standing Committee on Local Legislation No. 7.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said

committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 48. To amend Sections 9-16-4 and 9-16-8 of the Code of Alabama of 1975, to exempt a person operating a noncommercial surface mining operation on his or her property for their use from the permitting and bonding requirements.

TOMMY CARTER
Chairman

And the bill, H. 48, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 142. RELATIVE TO MEETING DAYS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 223. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Hillsboro in Lawrence County.

Also:

H. 224. Relating to Lawrence County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representative Haney:

H.J.R. 164. COMMENDING EVA H. THOMPSON OF MONROVIA, ALABAMA, AS ALABAMA'S 1995 TEACHER OF THE YEAR.

The resolution, H.J.R. 164, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Flowers (With Notice and Proof):

H. 564. Relating to Pike County; fixing the fee for an issuance of a pistol permit by the sheriff and providing for the disposition and use of the proceeds; and repealing Act No. 80-112, H. 567 of the 1980 Regular Session (Acts 1980, p. 164).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 564, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morrison, Drake, and Murphree:

H. 565. To provide distinctive motor vehicle license tags or plates for members of the Rotary International or Civitan International; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 566. To amend Sections 32-7-5 and 32-7-6 of the Code of Alabama 1975, the Motor Vehicle Safety Responsibility Act; to increase the time allowed for the operator or owner of a motor vehicle to file the required forms after a motor vehicle accident; and to provide that reinstatement fees will not be assessed on suspension if proper documentation is provided that acceptable insurance was in effect at the time of the motor vehicle accident.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Jorgensen, Hall (L), Gipson, Rogers (M), Haney, Dukes, Carns, Black (M), Johnson (E), Houston, McAdory, Spratt, Hilliard, Sanderford, Fuller, Page, Sims, Starkey, Carter, Hammett, Turnham, Moore, Baker, Carothers, Vance, Hogan, Crigler, Parker (T), Newton (C), Morrison, McDaniel, Hawk, Allen, Penry, and Galliher:

H. 567. Relating to the operation of motor vehicles; requiring, as a condition of registration and licensing a motor vehicle, and applying for a driver's license, proof of a motor vehicle liability insurance policy, in force, from an approved insurance company, or certain other financial responsibility; setting the minimum limits and policy coverage; providing penalties for violations; providing for an assigned risk plan for persons classified as high risks; providing for an effective date; and providing for certain exceptions.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Rogers (J), Spratt, Hilliard, Houston, Perdue, McAdory, and Newton (D) (With Notice and Proof):

H. 568. Relating to the City of Birmingham in Jefferson County; establishing a Study Commission to study the feasibility of the Birmingham Stadium and Exposition District, and creating the Birmingham Stadium and Exposition District.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 568, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (J), Spratt, Hilliard, Houston, Perdue, McAdory, and Newton (D):

H. 569. Establishing a Study Commission to study the feasibility of the Alabama Stadium and Exposition District, and creating the Alabama Stadium and Exposition District.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 570. To levy a temporary additional state sales and use tax; to provide for the administration and distribution of the tax; and to provide for the expiration of the tax.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 571. To reopen the Teachers' Retirement System for purchase of prior service credit by an active and contributing member of the Cooperative Extension Service of Auburn University; to provide for the cost of purchasing the prior service credit; and to provide for the expiration of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Reed:

H. 572. To amend Section 16-57-1, Code of Alabama 1975, to provide for two additional members to be appointed by the Governor to the Board of Commissioners of Tuskegee University and to include the Governor as an ex officio member of the board; to remove the prohibition concerning the participation of the commissioners in filling vacancies on the board of trustees; and to remove certain reporting requirements.

COMMITTEE ON EDUCATION

By Representatives Moore and Flowers (With Notice and Proof):

H. 573. Relating to the Twelfth Judicial Circuit of Alabama; authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in

certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new restitution recovery division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 573, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Lindsey and Crigler:

H. 574. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. in the sum of \$62,426 for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 575. To provide that whenever any portion of the territory of a special district created pursuant to a general, special, or local act is annexed into a municipality, the annexed territory shall cease to be a part of the special district unless all of the municipality was included in the special district prior to annexation; to provide that the territory annexed shall not thereafter be subject to any tax or service charge imposed on property or persons by or for the benefit of the special district unless the special district included all of the municipality prior to annexation; to make this act retroactive as to all annexations prior to the effective date of the act; to provide that the Legislature may provide by local act for reasonable payments to the special district as compensation for the loss of revenues pledged to secure outstanding debt or to assume debt or other obligations of the special district including the employment of district employees or the purchase of district equipment; and to authorize certain agreements between the annexing municipality and the special district.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Venable (With Notice and Proof):

H. 576. Relating to Elmore County; authorizing the county commission to establish an animal control program; to provide for the appointment of animal control officers; to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control program; providing for the investi-

gation of complaints about dangerous animals; and providing for the responsibility of animal owners for their animals.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 576, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McDaniel:

H. 577. Regulating the discharge of sewage and litter from certain vessels and boats; specifying that the Department of Environmental Management is the responsible agency; regulating sanitation facilities at marinas; levying certain fees and providing for distributions; establishing a Boat and Marina Advisory Committee and a Boat and Marina Fund, and specifying their functions; providing certain civil immunity to members of the advisory committee; authorizing the filing of certain civil actions and specifying certain criminal penalties and certain fines; repealing Sections 33-6-1 to 33-6-12, inclusive, Code of Alabama 1975, relating to the discharge of litter and sewage from watercraft; and specifying a prospective effective date.

COMMITTEE ON NAVIGATION AND WATERWAYS

By Representative McDaniel:

H. 578. To amend Section 40-12-264, Code of Alabama 1975, relating to the issuance of dealer license plates; to allow a licensed motor vehicle wholesaler who is also licensed as a motor vehicle dealer to obtain dealer plates based on combined retail and wholesale sales of motor vehicles.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (T) and Fuller:

H. 579. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-590, 1994 Regular Session, providing that a person driving under the influence of alcohol or a controlled substance would receive an enhanced penalty after the first charge of driving under the influence irrespective of the date of the subsequent conviction.

COMMITTEE ON JUDICIARY

By Representative Lindsey:

H. 580. To amend Sections 40-21-83 and 40-21-103, Code of Alabama 1975; to provide further for exclusions from the gross receipts of utilities.

COMMITTEE ON WAYS AND MEANS

By Representatives Hilliard, Spratt, McAdory, Houston, Perdue, Maull, Hall (L), Newton (D), Melton, Bandy, and Buskey:

H. 581. Relating to workers' compensation; to require that collective bargaining agreements are valid under certain criteria.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Hilliard, Spratt, Houston, Rogers (J), McAdory, Jackson, Johnson (E), Thomas (J), Boyd, Mitchell, and Newton (D):

H. 582. To authorize certain municipalities to employ police officers and firefighters without certification by any applicable civil service system or merit system.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Curry:

H. 583. To amend Section 2 of Act No. 94-768 of the 1994 First Special Session, now appearing as Section 36-27-125 of the Code of Alabama 1975, to provide further for certain increases in benefits for certain pensioners and annuitants.

COMMITTEE ON WAYS AND MEANS

By Representative Sims:

H. 584. To amend Section 40-18-15, Code of Alabama 1975, to provide a deduction in state taxes for premiums paid for qualifying long-term care coverage; to provide requirements which a qualifying long-term care contract shall meet.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 585. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Allen, Guin, Clouse, Rogers (M), Melton, Dean, Crigler, Laird, Jorgensen, McKee, Burke, Haney, Townsend, Carns, Johnson (E), Petelos, Thomas (D), Moore, Gaines, Hill, Sanderson, Hooper, Parker (T), Layson, Collins, Hamilton, Penry, Vance, McMillan, Jackson, Hayden, Sims, Lindsey, Robinson, Page, McDaniel, Hawk, Curry, Morton, Smith, Carothers, Johnson (R), Willis, Hogan, Wren, Seibenhener, Flowers, Gaston, Letson, Carter, Dukes, Gipson, Knight (A), Graham, Sanderford, Papucci, and Hawkins:

H. 586. To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$145,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying operating expenses and management fees referable to any such training facilities; to appropriate to the authority \$6,000,000 in the fiscal year of the state that begins October 1, 1995, and \$13,000,000 in each of the fiscal years of the state that begin October 1, 1996, and end September 30, 2025, in all cases from interest earnings on the Alabama Trust Fund for the purpose of paying obligations of the authority; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

COMMITTEE ON WAYS AND MEANS

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sims, the Budget Isolation Resolution relating to the bill, H. 396, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hawk, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (R), Knight (A), Laird, Layson, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morrow, Morton, Newton (D), Page, Papucci, Parker (P), Parker (T),

Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Thomas (J), Townsend, Turnham and Willis.

-59

And the bill:

H. 396. Relating to Talladega County; providing further for the fees of constables.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, White and Willis.

-63

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 415, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McDaniel, Melton, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance and White.

-60

And the bill:

H. 415. Providing for a board of education for the City of Decatur, to be elected by the qualified electors of the city; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing members and for filling vacancies on the board; providing for board representation for persons not residing within a specific school district; providing certain immunity for board members; and providing for financial audits of the records of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Haney, Hawk, Hayden, Hill, Hinshaw, Houston, Johnson (R), Jorgensen, Knight (A), Lindsey, McDaniel, Melton, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 416, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Graham, Guin, Hall (A), Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance and White.

-64

And the bill:

H. 416. Relating to the City of Decatur; to authorize the city to provide each city police officer who retires in good standing with his or her badge and a pistol.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Gaines, Gaston, Gipson, Guin, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, White and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 163. To amend Section 12-17-184, Code of Alabama 1975, relating to the powers and duties of district attorneys, requiring a report to the State Board of Medical Examiners of any physician indicted or otherwise charged with any felony, any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring the report to be made within 30 days of the filing of any indictment, information, or other charge; requiring a report to the State Board of Medical Examiners of the conviction of any physician for any felony, or any misdemeanor related to the practice of medicine, or any violation of Section 32-5A-191; requiring that report be submitted within 30 days after sentencing without regard to any appeal of the conviction; and defining a physician as any individual licensed to practice medicine by the Medical Licensure Commission of Alabama.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 417, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Knight (A), Layson, Lindsey, McClammy, McDaniel, McKee, Melton, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, White and Willis.

-66

And the bill:

H. 417. Relating to the City of Decatur; to provide for the abatement of grass and weeds which become a nuisance under certain conditions; to provide for notice to the property owners; to provide for the assessment of the costs for abatement when the work is required to be performed by the city; and to provide for liens on the property under certain conditions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard,

Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, McKee, Millican, Moore, Morrison, Morton, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 452, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Gaines, Gaston, Gipson, Graham, Guin, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morton, Newton (C), Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, White and Willis.

-61

And the bill:

H. 452. Relating to Greene County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carothers, Carter, Clouse, Crigler, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McClammy, McDaniel, McKee, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener,

Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, White and Willis.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 485, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, White and Willis.

-72

And the bill:

H. 485. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-75

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 497, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

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And the bill:

H. 497. Relating to the City of Muscle Shoals in Colbert County; establishing a civil service system and providing for classified services; establishing a personnel board and providing for the appointment, term, and powers of board members; providing for the establishment of a register and filling of vacancies; and providing for penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 512, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Drake, Dukes, Flowers, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McDaniel, Melton, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance and Venable.

-58

And the bill:

H. 512. Relating to Covington County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McDaniel, McMillan, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 514, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance and Willis.

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And the bill:

H. 514. Relating to Marion County; authorizing the sheriff to operate a jail canteen; authorizing the sheriff to retain profits accruing from the pay telephones, vending machines, and canteen in the county jail in a special fund to be used by the sheriff for law enforcement purposes; and confirming and ratifying certain prior actions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

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RESOLUTIONS

The following resolutions were introduced:

By Representative Pringle:

H.J.R. 165. URGING THE RETURN OF THE CSS HUNLEY TO THE CITY OF MOBILE, ALABAMA.

The resolution, H.J.R. 165, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 166. COMMENDING STEVE KITTRELL FOR HIS 500TH WIN AS A COLLEGE BASEBALL COACH.

The resolution, H.J.R. 166, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 167. COMMENDING BRIAN GILLIS CAMPBELL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 167, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Jackson:

H.R. 168. COMMENDING EMMANUEL ALLEN.

Also:

By Representative Morton:

H.R. 169. COMMENDING REGINALD BROWN FOR DISTINGUISHED SERVICE TO PUBLIC EDUCATION.

Also:

The following resolution was introduced:

By Representative Knight (A):

H.J.R. 170. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

The resolution, H.J.R. 170, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 325. Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase

the authority of the superintendent; amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced:

By Representatives Knight (A) and Hill:

H.R. 171. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

The resolution, H.R. 171, was read and referred to the Standing Committee on Rules.

Also:

By Rules Committee:

H.R. 172. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the eighth legislative day, Wednesday, May 17, 1995, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
H. 441 - By Hooper	57
Income tax, credit for cert. partnerships and limited liability corporations, new code Section 41-10-44.16 added	

H. 438 - By Hooper (As Substituted)

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Industrial development, tax credit auth. on cert. new business, effective date alt., Act 93-851, 1993 1st Sp. Sess. am'd., Sec. 41-10-44.8 am'd.

On motion of Representative Carter, the resolution, H.R. 172, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 441, were temporarily carried over at the request of Representative Hooper.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 325. Relating to banks, interstate mergers and acquisitions, branch banking, and international banking which: amends Title 5 of the Code of Alabama 1975 by adding Chapter 13B to create the "Alabama Interstate and International Banking Act of 1995"; provide definitions; authorize any bank holding company whose principal place of business is in the United States to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; provide for interstate mergers, consolidation of merged bank operations, and branching interstate under certain conditions; provide for Alabama state banks to branch interstate and in foreign countries, provide for reporting by, and examination of, branches of out-of-state banks; provide for licensing, application, regulation, and other requirements for foreign bank branches, offices, or agencies operating in Alabama; provide applicable law and regulatory supervision and enforcement authority; provide for application and fees; amend Section 5-1A-1 relating to "Alabama Banking Code" to add the provisions of this act and Chapter 20 of Title 5 relating to credit cards to the definition of "Alabama Banking Code"; amend Section 5-1A-6 relating to inconsistent provisions of law to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-2 relating to venue of actions involving the superintendent or the banking department to add

the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-8 relating to the authority of the Superintendent of Banks to promulgate regulations to carry out the provisions of certain laws relating to banking to add the provisions of this act and Chapter 20 of Title 5; amend Section 5-2A-23 relating to legal representation of the Superintendent of Banks under certain provisions of law to increase the availability of representation by adding the provisions of this act and Chapter 20 of Title 5; amend Section 5-5A-18.1 relating to the authority of the Superintendent of Banks to approve a state bank exercising powers and being entitled to rights, privileges, and protections of a federally chartered or regulated bank to increase the authority of the superintendent; amend Section 5-5A-20 relating to branch banking to remove certain restrictions applicable to branch banking and to permit Alabama banks to branch within Alabama, any other state, or foreign country upon approval of the Superintendent of Banks and compliance with applicable laws; amend Section 5-6A-25 relating to criminal liability of directors, officers, and employees of a bank to add the provisions of this act and Chapter 20 of Title 5; repeal Chapter 13A of Title 5 relating to regional interstate banking; repeal Section 5-7A-45 which places certain restrictions on branch banking; provide for severability and the effective date of provisions of this act.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 71. To amend Sections 6-6-1 and 8-1-41 of the Code of Alabama 1975, relating to arbitration, so as to make agreements to arbitrate future controversies enforceable.

TOMMY CARTER
Chairman

And the bill, H. 71, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hooper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 438.

MOTION TO CARRY OVER TABLED

On motion of Representative Turner, the motion offered by Representative Payne to carry over the bill, H. 438, and the pending Budget Isolation Resolution to the thirteenth legislative day was tabled.

Yeas 50; Nays 35.

Yea:

Representatives Allen, Baker, Black (M), Box, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dukes, Flowers, Fuller, Gaston, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Laird, Layson, Letson, McKee, McMillan, Melton, Moore, Morrison, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Venable, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Carothers, Curry, Gaines, Galliher, Gipson, Guin, Hawkins, Hill, Hilliard, Jackson, Johnson (E), Johnson (R), Knight (A), Lindsey, Maull, McAdory, McDaniel, Morton, Murphree, Newton (D), Page, Payne, Perdue, Petelos, Reed, Rogers (J), Sanderson, Thomas (D), Townsend, Turnham, Vance and White.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 410. Relating to Franklin County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county jail in a special fund to be used by the sheriff for law enforcement purposes.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 411. Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 221. Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the motion offered by Representative Hooper to adopt the Budget Isolation Resolution relating to the bill, H. 438, and the Budget Isolation Resolution was adopted.

Yeas 51; Nays 29.

Yea:

Representatives Allen, Baker, Box, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Houston, Jorgensen, Laird, Layson, Letson, McKee, McMillan, Melton, Moore, Morrison, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Turner, Willis and Wren.

Nay:

Representatives Boyd, Carothers, Curry, Ford, Galliher, Guin, Hawkins, Hayden, Hill, Hilliard, Jackson, Johnson (E), Johnson (R), McAdory, Morton, Murphree, Newton (D), Page, Payne, Perdue, Petelos, Reed, Rogers (J), Sanderson, Thomas (D), Townsend, Turnham, Vance and White.

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And the bill:

H. 438. (With Substitute): To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the sum of the capital credits authorized by this act and certain other tax and other incentives offered by the state and certain local entities shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that the provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for those new projects.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Industrial Development and Economic Growth, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following terms shall have the following meanings, respectively, when used in this act unless the context clearly requires otherwise:

(1) **BASE WAGE REQUIREMENT.** Either an average hourly wage of not less than eight dollars (\$8) per hour or an average total compensation of not less than ten dollars (\$10) per hour, including benefits.

(2) **CAPITAL COSTS.** All costs and expenses incurred by one or more investing companies in connection with the acquisition, construction, installation and equipping of a qualifying project during the period commencing with the date on which such acquisition, construction, installation and equipping commences and ending on the date on which the qualifying project is placed in service, including, without limitation all of the following:

a. The costs of acquiring, constructing, installing, equipping and financing a qualifying project, including all obligations incurred for labor and to contractors, subcontractors, builders, and materialmen.

b. The costs of acquiring land or rights in land and any cost incidental thereto, including recording fees.

c. The costs of contract bonds and of insurance of all kinds that may be required or necessary during the acquisition, construction or installation of a qualifying project.

d. The costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, environmental mitigation and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of a qualifying project.

e. The costs associated with installation of fixtures and equipment; surveys, including archeological and environmental surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries, and other surface obstructions; filling, grading, paving and provisions for drainage, storm water retention, installation of utilities, including water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; off-site construction of utility extensions to the boundaries of the property.

f. All other costs of a nature comparable to those described, including, without limitation, all project costs which are required to be capitalized for federal income tax purposes pursuant to 26 U.S.C. § 263A.

g. costs otherwise defined as capital costs that are incurred by the investing company where the investing company is the lessee under a lease that has a term of not less than five years, is firm and noncancellable, and is characterized as a capital lease for federal income tax purposes; provided, that if the project is a headquarters facility, the lease may be characterized as an operating lease for federal income tax purposes in which event capital costs shall include the net present value of the payments made by the investing company under the lease computed using the applicable federal rate for the month in which the qualifying project is placed in service and for the term most closely approximating the term of the lease.

Capital costs shall not include property previously owned or leased by the investing company or a related party unless such property was physically located outside the state for a period of at least one year prior to the date on which the qualifying project was placed in service.

(3) CAPITAL CREDIT. An annual amount equal to five percent of the capital costs of the qualifying project, such amount to be credited or allowed in accordance with Section 5 hereof and other provisions of law, against the state income

tax liability generated by or arising out of the qualifying project in each of the 20 years commencing with the year during which the qualifying project is placed in service and continuing for 19 consecutive years thereafter.

(4) DEPARTMENT. The Alabama Department of Revenue.

(5) HEADQUARTERS FACILITY. A facility which will serve as the national, regional or state headquarters for an investing company that conducts significant business operations outside the state and will serve as the principal office of the principal operating officer of the investing company.

(7) INDUSTRIAL, WAREHOUSING OR RESEARCH ACTIVITY. Any trade or business described in 1987 Standard Industrial Classification Major Groups 20 to 39, inclusive, 50 and 51, Industrial Group Number 737, and Industry Numbers 8731, 8733 and 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget, and includes such trades and businesses as may be hereafter reclassified in any subsequent publication of the Standard Industrial Classification Manual or other Industry Classification System developed in conjunction with the United States Department of Commerce.

(8) INVESTING COMPANY. Any corporation, partnership, limited liability company, proprietorship, trust or other business entity, regardless of form, making a qualified investment.

(9) NEW EMPLOYEES. Those persons who have not been previously employed at the site on which the qualifying project is or will be located or by an investing company or companies in the state; will be employed full-time at the qualifying project; and will be subject to the personal income tax imposed by Section 40-18-2 of the Code of Alabama 1975, upon commencement of employment at the qualifying project.

(10) PROJECT. Any land, building or other improvement, and all real and personal properties deemed necessary or useful in connection therewith, whether or not previously in existence, located or to be located in the state.

(11) QUALIFYING INVESTMENT. The undertaking by one or more investing companies of a qualifying project.

(12) QUALIFYING PROJECT. A project to be sponsored or undertaken by one or more investing companies meeting any one of the following requirements:

(a) A project the capital costs of which are not less than \$2,000,000, and at which the predominant trade or business activity conducted will constitute industrial, warehousing or research activity.

(b) A small business addition the capital costs of which are not less than \$1,000,000, and at which the predominant trade or business activity conducted will constitute industrial, warehousing or research activity.

(c) A headquarters facility the capital costs of which are not less than \$2,000,000.

(13) RELATED PARTY. A person or entity that bears a relationship to an investing company described in Section 267 of the Internal Revenue Code of 1986, as amended.

(14) SMALL BUSINESS ADDITION. Any land, building or other improvement, and all real and personal properties deemed necessary or useful in connection therewith, whether or not previously in existence, to be used as a part of any existing facility of a business located in the state that, prior to the date on which the addition is placed in service, had 100 or fewer full-time employees.

(15) TAX YEAR. The applicable taxable year as the term is defined in Section 40-18-1(11) of the Code of Alabama 1975.

(16) 1993 ACT. Act No. 93-851, H. 27 and Act No. 93-852, H. 83 adopted at the 1993 First Special Session of the Legislature of Alabama, as amended by Act No. 94-370, S. 559 adopted at the 1994 Regular Session of the Legislature of Alabama.

Section 2. At anytime prior to the date on which a qualifying project is placed in service, an investing company may file with the department a written statement of intent to claim the capital credit provided in this act. Such filing by an investing company shall constitute a filing on behalf of the shareholders, partners, members, owners or beneficiaries of the investing company entitled to the capital credit in accordance with such 5(b) hereof. Such statement shall contain a description of the qualifying project; the date on which the acquisition, construction, installation or equipping of the qualifying project was commenced or is expected to commence; the actual or if not known the estimated capital costs of the qualifying project; the number of new employees to be employed at the qualifying project; the name of each investing company, or the name or names of its shareholders, partners, members, owners or beneficiaries to become entitled to the capital credit; and any other information required by the department.

Section 3. Subject to compliance with Section 4 of this act, each investing company shall, upon filing of the statement required by Section 2 and upon the making of qualified investments and upon compliance with Section 4(a), be entitled to the capital credit, such credit to be allocated and available in accordance with Section 5(b). The department shall enter into written agreements with an investing company or companies specifying the method by which income generated by or arising out of the project will be determined, and with respect to qualifying projects undertaken by partnerships, limited liability companies, or other joint ventures, the allocation and treatment of the capital credit provided pursuant to this act.

Section 4. (a) It shall be a condition to the receipt of a capital credit that either of the following occur:

(1) Not less than 20 jobs for new employees at a qualifying project other than a small business addition be provided commencing with the date which is not later than one year after the qualifying project is placed in service and continuing each year thereafter during which the capital credit is available with respect to the qualifying project and that the wages for each new employee at the qualifying project be not less than the base wage requirement during each year during which all or any part of the capital credit is available with respect to the qualifying project.

(2) Not less than 15 jobs for new employees at the qualifying project which is a small business addition be provided commencing with the date which is not later than one year after the qualifying project is placed in service and continuing each year thereafter during which the capital credit is available with respect to the qualifying project and that the wages for each new employee at the qualifying project be not less than the base wage requirement during each year during which all or any part of the capital credit is available with respect to the qualifying project.

If an investing company closes an existing facility in this state and with two years following the closing places a qualifying project in service, only the number of new employees in excess of the number of employees who worked at the existing facility at the time of the closure shall be deemed to be new employees for purposes of this section.

(b) The Legislature recognizes that one or more entities may enter into a joint venture in the form of a limited liability company, partnership, or other form of business entity in connection with a qualifying project. It is the intent of this act that the requirements of this act respecting minimum capital costs and employment be applied to the qualifying project and that the capital credit be available and granted to those entities liable for or against which the state income tax is allocated or assessed with respect to the income generated by or arising out of the qualifying project. It shall not be a requirement of this act that the entity employing any new employees be the same entity entitled to receive the capital credit so long as the requirements of capital costs and new employees are implemented and maintained with respect to the qualifying project.

(c) A change of ownership or assignment of interest in any qualifying project shall not qualify the qualifying project or any taxpayer to receive any additional capital credits, and the purchaser, assignee or successor of the qualifying project or interests therein shall be entitled to the capital credit upon the same conditions and for the same period as the investing company or companies originally entitled to the capital credit.

(d) The Legislature recognizes that while certain periods specified in this act with respect to the capital credit are measured by calendar years it will be necessary for the capital credit to be applied with respect to the tax years of the recipients of the capital credit. Accordingly, the department is hereby authorized to adopt regulations to provide that the capital credit may be allocated to the tax years of the recipient of the capital credit, including the method of determining the pro rata amount of capital credit, if any, available where the tax year of the

recipient of the capital credit will end subsequent to the end of any calendar year period specified in this act.

Section 5. (a) The Legislature recognizes that a substantial number of businesses are organized as limited liability companies, partnerships, and other types of business entities and that certain business entities, organized as corporations, elect to be treated as "S" corporations under federal and state tax laws, and that it is essential that the capital credit amount shall be available on a pass-through basis in the manner hereinafter provided.

(b) Each investing company, or its shareholders, partners, members, owners, or beneficiaries shall be entitled to the capital credit for each tax year of an investing company with respect to which a capital credit is provided pursuant to this act. The capital credit shall be allowed as follows:

(1) The owner of an investing company which is a proprietorship shall receive a credit against the individual income tax levied by Section 40-18-5 of the Code of Alabama 1975, that otherwise would be owed to the state in any year by the owner with respect to the income of the investing company generated by or arises out of the qualifying project;

(2) An investing company which is an Alabama C corporation as defined in Section 40-18-160, or which is an Alabama S corporation and which is subject to taxation under Section 40-18-174, or Section 40-18-175, shall receive a credit against the corporate income tax levied by Section 40-18-31 or by Section 40-18-174 or Section 40-18-175, that otherwise would be owed to the state in any year by the investing company with respect to the income generated by or arising out of the qualifying project;

(3) The shareholders of an investing company which is an Alabama S corporation as defined in Section 40-18-160, and whose taxable income is subject to determination under Section 40-18-161, each shall receive a credit against the individual income tax levied by Sections 40-18-5 that otherwise would be owed to the state in any year by each shareholder of the investing company with respect to income of the investing company generated by or arising out of the qualifying project.

(4) The partners, members, or owners of an investing company, the income of which is subject to taxation under Section 40-18-24, each shall receive a credit against the corporate income tax levied by Section 40-18-31, or against the individual income tax levied by Section 40-18-5, whichever is applicable to each such partner, member, or owner that otherwise would be owed to the state in any year by each partner, member, or owner of the investing company with respect to income of the investing company generated by or arising out of the qualifying project.

(5) An investing company which is a trust or estate having income subject to taxation under Section 40-18-25(c) shall receive a credit against the income tax

levied by Section 40-18-5 that otherwise would be owed to the state in any year by the investing company on the income generated by or arising out of the qualifying project.

(6) The beneficiaries of an investing company which is a trust or estate the income of which is subject to taxation under Section 40-18-25(d) each shall receive a credit against the corporate income tax levied by Section 40-18-31, or against the individual income tax levied by Section 40-18-5, whichever is applicable to each such beneficiary, that otherwise would be owed to the state in any year by each beneficiary of the investing company with respect to income of the investing company generated by or arising out of the qualifying project.

(7) A shareholder, partner, member, owner or beneficiary which is eligible to receive a credit under subdivision (3), (4) or (6) of this Section 5(b) and which is an Alabama S corporation, or which has income which is subject to taxation under Section 40-18-24 or Section 40-18-25(d), solely for purposes of the application of this Section 5(b), shall be treated as though the shareholder, partner, member, owner, or beneficiary were also an investing company.

(8) The capital credit allowed under this Section 5(b) for any tax year of an investing company shall not exceed the aggregate amount which otherwise would be due from the investing company, its shareholders, partners, members, owners, or beneficiaries to the state in tax with respect to the income of the investing company generated by or arising out of the qualifying project, determined after the application of all other deductions, losses, or credits permitted under Titles 40 and 41 of the Code of Alabama 1975, for the taxable year, and determined by applying the maximum rate applicable to individuals under Section 40-18-5, or the rate applicable to corporations under Section 40-18-31, as the case may be.

(9) In no event may any amount described in this Section 5(b) be carried forward or back by any investing company, shareholders, partners, members, owners, or beneficiaries with respect to a prior or subsequent year.

Section 6. The capital credit shall be reduced or eliminated with respect to a qualifying project at the time the sum of all capital credits received or allowed with respect to a qualifying project equals 100 percent of the capital costs of such qualifying project, all to the end that the aggregate amount of capital credits shall not exceed 100 percent of the capital costs of the qualifying project.

Section 7. The department shall report annually to the Legislature and the public as to qualifying projects with respect to which capital credits are claimed during the year. The report shall be due on the fifth legislative day of each regular session and shall state the number of qualifying projects, the capital costs of each qualifying project and the total amount of capital credits claimed during the year.

Section 8. The department shall adopt regulations to carry out the provisions of this act. The department shall audit each investing company periodically to monitor compliance by the investing company with the provisions hereof which are conditions to the continued availability of capital credits.

Section 9. At the time of filing any tax return with the department in which any capital credit is claimed under this act, the chief executive officer, the chief financial officer, or the person signing the tax return on behalf of the investing company shall file with the department an affidavit stating that the investing company was, throughout the period for which a capital credit is claimed, in compliance with this act which are conditions to the qualification for and the continued availability of the capital credit herein authorized. The affidavit shall certify that the sum of all capital credits therefore received or allowed, when added to the capital credit claimed in the return, does not exceed the capital costs of the qualifying project.

Section 10. This act shall supersede the provisions of the 1993 Act pertaining to the income tax credits and the job development fee provided for in the 1993 Act except with respect to projects approved by the State Industrial Development Authority prior to January 16, 1995. Upon the passage of this act, the State Industrial Development Authority shall not grant tax credits or job development fees pursuant to Section 41-10-44.8 of the Code of Alabama 1975, except with respect to entities with respect to which a resolution was adopted by the State Industrial Development Authority prior to January 16, 1995. The State Industrial Development Authority shall continue to have full power to implement the 1993 Act with respect to entities and projects approved prior to January 16, 1995, and all incentives shall remain in effect and may be fully implemented by the State Industrial Development Authority. Nothing contained in this Section shall limit any other power or authority of the State Industrial Development Authority heretofore conferred upon it, and the Authority shall possess all power and authority heretofore conferred upon it by law other than those enumerated in this Section. Each agreement or action on the part of the State Industrial Development Authority intended to constitute an inducement or official action on the part of the Authority for purposes of Section 1.150-2 of the Regulations under the Internal Revenue Code of 1986, as amended, shall remain in full force and effect.

Section 11. Each business entity and each project for each business entity with respect to which the State Industrial Development Authority adopted, prior to January 16, 1995, a resolution accepting a project for such entity may, at any time prior to December 31, 1996, file with the department a written election to receive the capital credit granted by this act, and upon the filing, each entity shall thereupon become entitled to the capital credit provided for in this act. Each entity shall, however, upon the filing of the election, be deemed to have waived and relinquished all tax future credits, job development fees, or other incentives provided for in the 1993 Act, and the amount of any tax credits, job development fees, or other incentives actually received by the entity pursuant to the 1993 Act, as well as the period during which the entity was entitled to receive any incentives under the 1993 Act, shall be taken into account for all purposes of this act, specifically including, without limitation, the period during which the capital credit is available and the limitation on the total amount of capital credits provided in Section 6.

Section 12. Section 41-10-44.8 of the Code of Alabama 1975, is amended to read as follows:

"§41-10-44.8

"(a) Upon the issuance by the authority of its project obligations for the purpose of financing a project for an approved company with respect to which the authority adopted an resolution accepting the project prior to January 16, 1995, the approved company:

"(1) Shall receive a credit against the corporate income tax levied by Section 40-18-31 that otherwise would be owed to the state in any year by the approved company on its income generated by or arising out of the project, such credit not to exceed the lesser of (i) the amount due in tax, or (ii) the amount paid by the approved company pursuant to a financing agreement in the year for which the tax is due, corresponding to debt service on the project obligations; and

"(2) may elect to withhold and retain the aggregate job development fees described in paragraph (b) below, but only to the extent that debt service payments under the financing agreement(s) exceed the income tax credit permitted in (1) above. "The incentives described in (1) and (2) above shall be available to an approved company whose project is financed by the authority's project obligations for a period commencing on the date of issuance of such project obligations and, subject to the provisions of paragraph (c) below, ending on the first to occur of the following: (i) the termination of the financing agreement(s) entered into with respect to such project obligations; (ii) the maturity or earlier redemption or payment of the project obligations; or (iii) 25 years from the date the project is first placed in service. Immediately upon issuing any project obligations, the authority shall provide to the department the name of the approved company for whose benefit such project obligations were issued and sufficient information to determine the duration of the corporate income tax credit and the job development fees described in (1) and (2) above, respectively.

"(b) As provided in subdivision (a)(2) above, an approved company may require, as a condition of employment, that each person employed by the approved company at the project financed by the authority's project obligations agree to permit the approved company to deduct and withhold a job development fee not to exceed five percent from the gross wages paid to such employee by the approved company. Job development fees shall not be collected from persons employed by an approved company prior to the entry by such approved company into an agreement with the authority for financing of a project. If an approved company elects to collect a job development fee, it shall deduct the fee from the paycheck of each new employee and shall make its payroll books and records available for inspection by the authority or its designee at such reasonable times as the authority may request. Each approved company collecting a job development fee shall be required to file with the authority such information and documentation respecting the imposition and collection of such fee as the authority may require. Each approved company collecting a job development fee shall be permitted a credit against the withholding tax liability provided in Section 40-18-76 otherwise owed to the state, such credit not to exceed the lesser of (i) the amount of such tax, or (ii) the aggregate job development fees withheld.

"Each employee who has been assessed a job development fee, as provided above, shall be entitled to a credit against his or her state income taxes in an amount equal to 100 percent of the job development fee withheld from the employee's wages during the calendar year. Each employee who has been assessed a job development fee as provided above shall be entitled to a credit against his or her withholding tax liability calculated pursuant to Section 40-18-71 in an amount equal to 100 percent of the job development fee withheld from the employee's wages during the calendar year.

"(c) If an approved company fails to achieve the level of capital investment or employment anticipated at the time the authority agreed to finance its project, the department may, after notice and hearing, reduce or suspend all or any part of such incentives until such time as the anticipated capital investment and employment levels are met; provided, however, that such incentives shall not be suspended retroactively. The authority may provide in the financing agreement(s) entered into in connection with a project for the levels of capital investment and employment expected to be achieved and for the time period(s) in which such levels are to be achieved.

"(d) The board of directors of the authority may, upon the written request of any local industrial development board, industrial development association, chamber of commerce or other similar local entity, solicit and request from any person, corporation, foundation or other legal entity any gift, grant, contribution, loan or other kind of aid or assistance, whether in the form of property, services or monies, which the board of directors deems necessary to provide to an approved company in order to induce such company to undertake a major project within the state. Any such solicitation or request by the authority may be made only upon the condition that the person, corporation, foundation or other legal entity from whom assistance is requested agrees to continue its support for local economic development activities. The authority shall only be permitted to solicit assistance with respect to identified major projects and shall not solicit contributions for any general purpose. Any assistance which is provided to the authority and not used for the major project for which it was requested, shall be returned pro rata to the persons, corporations, foundations or other entities providing such assistance. The decision to provide all or a portion of the assistance requested by the authority shall lie solely within the discretion of the person, corporation, foundation or other legal entity receiving the request. Any assistance provided to the authority pursuant to the provisions of this subsection (d) is hereby deemed to have a valid business purpose and shall be allowed as a deduction against the corporate income tax levied by Section 40-18-31, the personal income tax levied by Section 40-18-2, or the financial institution excise tax levied by Section 40-16-4, whichever is appropriate. If assistance is provided to the authority by any person, corporation, foundation or other legal entity, whether regulated or non-regulated, the cost of such assistance will be deemed to be a prudent, legal and non-discriminatory expenditure for all purposes of state law and regulation."

Section 13. Each investing company receiving a capital credit shall maintain or cause to be maintained records with respect to the qualifying project sufficient

to allow the income of the investing company to be identified separately from other income of such investing company subject to Alabama income taxation. In order to limit the capital credit to the income tax liability attributable to the income generated by or arising from the qualified project within the state, the department shall promulgate regulations respecting the determination of income generated by or arising from the qualified project and the income tax attributable to such income.

Section 14. Section 4 of Act No. 93-851, H83 (Acts 1993, p. 79), adopted at the 1993 First Special Session of the Legislature of Alabama is amended to read as follows:

"Section 4. This act shall become effective immediately upon its passage and approval by the Governor, ~~or upon its otherwise becoming a law; provided, however, there shall be a moratorium on the grant of any future tax incentives under the provisions of this act if the Legislature does not enact a Joint Resolution with recorded vote to continue the provisions of this act by the end of the 1997 Regular Session of the Legislature. The Legislature must enact a Joint Resolution with recorded vote to affirm the tax incentive provisions of this act by the end of the 1999 Regular Session and by the end of the Regular Session every two years thereafter or the tax incentive provisions of this act shall become null and void.~~"

Section 15. Capital credits authorized by this act shall not be available for new qualifying projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the capital credit for new projects after that date. No action or inaction on the part of the Legislature shall reduce or suspend any capital credit in any past or future calendar year with respect to any investing company which files a statement of intent pursuant to Section 2 on or prior to December 31, 1998, it being the sole intention of this Section 15 that failure of the Legislature to adopt a joint resolution continuing the capital credit for periods after December 31, 1998, shall affect only the availability of the capital credit to new qualifying projects after that date, and shall not affect qualifying projects which have established their eligibility to receive capital credits under Section 2 on or prior to December 31, 1998.

Section 16. The administration of this act by the department shall be governed by the provisions of the Taxpayers' Bill of Rights and the Uniform Revenue Procedures Act contained in Chapter 2A of Title 40 of the Code of Alabama 1975.

Section 17. All laws or parts of laws which conflict with this act are repealed.

Section 18. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO CARRY OVER TABLED

On motion of Representative Hooper, the motion offered by Representative Payne to carry over the bill, H. 438, and the pending committee substitute to the eleventh legislative day was tabled.

Yeas 53; Nays 34.

Yea:

Representatives Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaston, Hall (A), Hamilton, Hammett, Hawk, Hinshaw, Hogan, Holmes, Hooper, Houston, Jorgensen, Laird, Layson, Letson, McKee, McMillan, Melton, Millican, Moore, Morrison, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Venable, White, Willis and Wren.

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Nay:

Representatives Bandy, Carothers, Curry, Ford, Gaines, Galliher, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, McAdory, Mitchell, Morton, Murphree, Newton (D), Page, Payne, Petelos, Reed, Rogers (J), Sanderson, Sims, Thomas (D), Townsend, Turnham and Vance.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 410. Relating to Franklin County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county jail in a special fund to be used by the sheriff for law enforcement purposes.

Also:

H. 411. Relating to Franklin County; providing for an additional expense allowance and salary for the sheriff.

Also:

H. 221. Relating to Lawrence County; providing for the levy of an additional recording fee upon documents filed for record with the Judge of Probate.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 222. Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

McDOWELL LEE
Secretary

H. 438 RESUMED

MOTION TO RECOMMIT TABLED

On motion of Representative Hooper, the motion offered by Representative Page to recommit the bill, H. 438, and the pending committee substitute was tabled.

Yeas 65; Nays 19.

Yea:

Representatives Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Fuller, Gaines, Gaston, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, McAdory, McClammy, McKee, McMillan, Melton, Millican, Moore, Morrison, Murphree, Papucci, Parker (P), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Curry, Ford, Galliher, Gipson, Guin, Hawkins, Hill, Knight (A), Morton, Newton (D), Page, Payne, Petelos, Reed, Rogers (J), Sanderson, Sims, Thomas (D) and Thomas (J).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 58. COMMENDING BROOKHILL ELEMENTARY SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 59. COMMENDING CLARENCE H. MCDANIEL OF THE ATHENS-LIMESTONE COUNTY COMMUNITY AS CITIZEN OF THE YEAR.

Also:

S.J.R. 60. COMMENDING MIKE BENNETT OF ATHENS, ALABAMA, AS BUSINESS PERSON OF THE YEAR.

Also:

S.J.R. 64. COMMENDING COACH DOUG BARFIELD ON THE OCCASION OF HIS RETIREMENT.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 222. Relating to Lawrence County; providing for additional court costs in civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, furnishing, equipping, and financing of a county jail.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 438 RESUMED

The question was then on the adoption of the committee substitute to the bill, H. 438.

MOTION TO ADJOURN LOST

The motion offered by Representative Rogers (J) that the House adjourn until 9:00 o'clock a.m., Thursday, May 18, 1995, was lost.

Yeas 32; Nays 58.

Yea:

Representatives Bandy, Boyd, Buskey, Crigler, Curry, Ford, Galliher, Guin, Hayden, Hill, Hilliard, Holmes, Jackson, Kennedy, Knight (A), Mauli, McAdory, McClammy, Melton, Mitchell, Morton, Newton (D), Page, Payne, Petelos, Reed, Rogers (J), Sanderson, Thomas (D), Thomas (J), Townsend and Vance.

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Nay:

Representatives Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Fuller, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, McDaniel, McKee, McMillan, Millican, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Turnham, Venable, Willis and Wren.

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H. 438 RESUMED

The question was then on the adoption of the committee substitute to the bill, H. 438.

MOTION TO ADJOURN LOST

The motion offered by Representative Petelos that the House adjourn until 9:00 o'clock a.m., Thursday, May 18, 1995, was lost.

Yeas 30; Nays 58.

Yea:

Representatives Bandy, Boyd, Buskey, Curry, Ford, Gaines, Galliher, Graham, Guin, Hall (L), Hawkins, Hayden, Hill, Houston, Jackson, Kennedy, Knight (A), McAdory, McDaniel, Mitchell, Morrow, Morton, Newton (D), Page, Payne, Petelos, Rogers (J), Sanderson, Thomas (D) and Townsend.

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Nay:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaston, Hall (A), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, McKee, McMillan, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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H. 438 RESUMED

The question was then on the adoption of the committee substitute to the bill, H. 438.

MOTION IN WRITING OFFERED

Representative Dean offered the following Motion in Writing relating to the bill, H. 438.

Mr. Speaker, pursuant to House Rules, I move the previous question on H. 438.

MOTION IN WRITING LOST

And the Motion in Writing was lost, lacking a three-fifths vote in accordance with House Rule 25.

Yeas 44; Nays 41.

Yea:

Representatives Allen, Baker, Black (M), Box, Carns, Carter, Clouse, Crigler, Dean, Dolbare, Dukes, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hooper, Jorgensen, Laird, Layson, Letson, McMillan, Moore, Morrison, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Turner, Vance and Willis.

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Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Carothers, Clark (W), Curry, Ford, Gaines, Galliher, Guin, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McDaniel, Millican, Mitchell, Morton, Murphree, Newton (D), Payne, Petelos, Rogers (J), Sanderson, Sims, Thomas (D), Thomas (J), Townsend, Turnham and Venable.

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MOTION TO CARRY OVER TABLED

On motion of Representative Carns, the motion offered by Representative Newton (D) to carry over the bill, H. 438, and the pending committee substitute to the ninth legislative day was tabled.

Yeas 57; Nays 23.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaston, Hamilton, Hammett, Haney, Hawk, Hayden, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Laird, Layson, Letson, McAdory, McKee, McMillan, Mitchell, Moore, Morrison, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Seibenhener, Smith, Starkey, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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Nay:

Representatives Boyd, Curry, Ford, Gaines, Guin, Hill, Johnson (R), Knight (A), Knight (J), McClammy, McDaniel, Morrow, Morton, Murphree, Newton (D), Page, Payne, Petelos, Rogers (J), Sanderson, Sims, Thomas (D) and Townsend.

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MOTION TO CARRY OVER TABLED

On motion of Representative Carns, the motion offered by Representative Rogers (J) to carry over the bill, H. 438, and the pending committee substitute to the seventeenth legislative day was tabled.

Yeas 64; Nays 21.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, McAdory, McKee, McMillan, Melton, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Sanderford, Seibenhener, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Boyd, Curry, Ford, Gaines, Galliher, Guin, Hall (L), Hill, Knight (A), Knight (J), Lindsey, Maull, McClammy, Morton, Newton (D), Page, Payne, Petelos, Rogers (J), Sanderson and Thomas (D).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (L) inadvertently voted "Nay" and intended to vote "Yea" on the motion offered by Representative Carns to table the motion offered by Representative Rogers (J) to carry the bill, H. 438, and the pending committee substitute to the seventeenth legislative day.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Galliher offered the following substitute to the committee substitute to the bill, H. 438:

To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the

credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 1, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Representative Hooper, the substitute offered by Representative Galliher to the committee substitute to the bill, H. 438, was tabled.

Yeas 55; Nays 33.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaston, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Laird, Layson, Letson, McAdory, McKee, McMillan, Melton, Millican, Moore, Morrison, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Turner, Vance, Venable, White, Willis and Wren.

-55

Nay:

Representatives Bandy, Boyd, Buskey, Carothers, Clark (W), Curry, Gaines, Galliher, Gipson, Guin, Hayden, Hill, Holmes, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Maull, McClammy, McDaniel, Morrow, Morton, Murphree, Newton (D), Page, Payne, Petelos, Sanderson, Sims, Thomas (D), Townsend and Turnham.

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MOTION TO CARRY OVER TABLED

On motion of Representative Carns, the motion offered by Representative Rogers (M) to carry over the bill, H. 438, and the pending committee substitute to the twelfth legislative day was tabled.

Yeas 53; Nays 25.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Laird, Layson, Letson, McAdory, McKee, McMillan, Melton, Millican, Moore, Morrison, Murphree, Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Bandy, Boyd, Carothers, Ford, Gaines, Galliher, Gipson, Guin, Hawkins, Hayden, Hill, Jackson, Johnson (R), Knight (A), McDaniel, Mitchell, Morton, Newton (D), Page, Payne, Petelos, Sanderson, Sims, Thomas (D) and Townsend.

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SUBSTITUTE ADOPTED

The question was then on the adoption of the committee substitute to the bill, H. 438, and the committee substitute was adopted.

Yeas 64; Nays 13.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Letson, McAdory, McKee, McMillan, Melton, Millican, Moore, Morrison, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Turner, Turnham, Vance, Venable, Willis and Wren.

-64

Nay:

Representatives Curry, Galliher, Knight (A), Morton, Murphree, Newton (D), Page, Payne, Petelos, Rogers (J), Sims, Thomas (D) and Townsend.

-13

AMENDMENT OFFERED

Representative Ford offered the following amendment to the bill, H. 438, as amended:

On page 10, delete all the language on lines 14 to 26, inclusive

On page 11, delete all the language on lines 1 to 16, inclusive

On page 11, line 17, delete the language "(b)" and insert in lieu thereof:

Section 4.

On page 12, line 7, delete the language "(c)"

On page 12, line 15, delete the language "(d)"

AMENDMENT TABLED

On motion of Representative Turner, the amendment offered by Representative Ford to the bill, H. 438, as amended, was tabled.

Yeas 54; Nays 25.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaston, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Houston, Jorgensen, Laird, Layson, Letson, McAdory, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Turner, Venable, White, Willis and Wren.

-54

Nay:

Representatives Carothers, Clark (W), Curry, Ford, Gaines, Guin, Hall (A), Hawkins, Hill, Johnson (R), Knight (A), Knight (J), McClammy, Morton, Murphree, Newton (D), Page, Payne, Petelos, Rogers (J), Sanderson, Thomas (D), Townsend, Turnham and Vance.

-25

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 438, as amended:

Amend H. 438 as substituted on Page 26, line 1 by inserting the following new Section 17 and by renumbering remaining sections accordingly:

"Section 17. The provisions of this act shall not become effective unless approved at a referendum by a majority of the qualified electors of the State voting on the proposition. The referendum shall be held in accordance with the general election laws of the State."

Further amend the bill on Page 26 by deleting lines 7 through 9 in their entirety.

AMENDMENT TABLED

On motion of Representative Hooper, the amendment offered by Representative Rogers (J) to the bill, H. 438, as amended, was tabled.

Yeas 62; Nays 20.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Jorgensen, Laird, Layson, Letson, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-62

Nay:

Representatives Bandy, Buskey, Clark (W), Ford, Galliher, Guin, Hayden, Hill, Houston, Jackson, Knight (A), McAdory, Mitchell, Morton, Newton (D), Page, Payne, Petelos, Rogers (J) and Thomas (D).

-20

AMENDMENT OFFERED

Representative Carns offered the following amendment to the bill, H. 438, as amended:

Amend H. 438 on Page 6, line 25 by striking the number ~~(7)~~ and inserting in lieu thereof the number (6) and renumbering the remaining subsections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-76

Nay:

Representatives Newton (D) and Page.

- 2

AMENDMENT OFFERED

Representative Page offered the following amendment #1 to the bill, H. 438, as amended:

On page 26, line 1, add the following new Section 17 and renumber the remaining section accordingly:

Section 17. Any investing company as defined in Subdivision (8) of Section 1 of this act shall not be eligible for the credits or incentives provided herein if the company or any officer or principal of the company has filed for bankruptcy within a 10 year period preceding the time the company, officer, or principal seeks to qualify for a credit or incentive under this act.

AMENDMENT TABLED

On motion of Representative Carns, the amendment #1 offered by Representative Page to the bill, H. 438, as amended, was tabled.

Yeas 53; Nays 32.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaston, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hooper, Jorgensen, Laird, Layson, Letson, McAdory, McKee, McMillan, Melton, Millican, Moore, Morrison, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Turner, Turnham, Venable, White, Willis and Wren.

-53

Nay:

Representatives Bandy, Boyd, Buskey, Carothers, Clark (W), Curry, Ford, Gaines, Galliher, Gipson, Guin, Hall (A), Hawkins, Hayden, Hill, Jackson, Johnson (R), Kennedy, Knight (A), McDaniel, Mitchell, Morrow, Morton, Murphree, Newton (D), Page, Payne, Petelos, Rogers (J), Sanderson, Thomas (D) and Townsend.

-32

MOTION TO ADJOURN LOST

The motion offered by Representative Sanderson that the House adjourn until 9:00 o'clock a.m., Thursday, May 18, 1995, was lost.

Yeas 36; Nays 49.

Yea:

Representatives Baker, Bandy, Buskey, Carothers, Clouse, Crigler, Curry, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hawkins, Hayden, Hill, Holmes, Jackson, Johnson (R), Kennedy, Knight (A), McClammy, McDaniel, Moore, Morton, Murphree, Newton (D), Page, Payne, Petelos, Sanderson, Seibenhener, Sims, Smith, Thomas (D) and Townsend.

-36

Nay:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Collins, Dean, Dolbare, Dukes, Gaston, Hall (A), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hooper, Houston, Jorgensen, Laird, Layson, Letson, McAdory, McKee, McMillan, Millican, Morrison, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Starkey, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-49

H. 438 RESUMED

AMENDMENT OFFERED

Representative Galliher offered the following amendment to the bill, H. 438, as amended:

Amend substitute to House Bill 438 by inserting the following to precede the word "shall" in line 8 on page 1: "may apply to the State Industrial Development Authority for a determination that such taxpayer satisfies the requirements of this bill. Any such taxpayer that receives a favorable determination from said authority"

Further amend the bill by deleting "January 16, 1995" each place it appears in the bill and inserting "January 1, 1995" in lieu thereof.

Further amend the bill in line 13 on Page 1 by deleting the word "claiming" and inserting "seeking" in lieu thereof and deleting ",upon the minimum."

Further amend the bill by inserting "provided by this bill" in line 15 on Page 1 after the word "credit."

Further amend the bill by adding the following definitions to Section 1 on page 4 and by renumbering the other definitions in Section 1 of the bill accordingly:

"(1) APPLICANT. Any corporation, partnership, proprietorship, trust or other business entity that submits an application to the authority in accordance with the provisions of Section of this Act.)

(2) AUTHORITY. The State Industrial Development Authority organized, pursuant to the provisions of Article 2 of Chapter 10 of Title 41 of the Code of Alabama 1975."

Further amend the bill in line 9 on Page 8 by inserting the following after the word "activity": "and that is approved by the authority in accordance with Section 2 of this act."

Further amend the bill in line 14 on page 8 by inserting the following after the word "activity":

"and that is approved by the authority in accordance with Section 2 of this act".

Further amend the bill by deleting Section 2 thereof and substituting the following in lieu thereof:

"Section 2. (a) At any time prior to the date on which a project is placed in service, the business entity sponsoring or proposing to undertake such project may file with the authority a written application to qualify for the capital credit provided in this act. Any such filing by an applicant shall constitute a filing on behalf of the shareholders, partners, members, owners, or beneficiaries of the applicant who will be entitled to the capital credit in accordance with Section 5(b) if such application is approved pursuant to Section 41-10-44.4 by the authority.

(b) The authority shall review each application submitted to it in accordance with Section 2(a) and determine whether or not, based solely upon the information contained in such application, the proposed project would satisfy both of the following two condition:

(i) the wages for each new employee at the proposed project would not be less than the base wage requirements during each year during which all or any part of the capital credit would be available with respect to the project, if approved as a qualifying project; and

(ii) not less than 20 jobs for new employees at the proposed project would be provided commencing with the date which is not later than one year after the project is placed in service and continuing each year thereafter during which the capital credit is available with respect to such project, if approved as a qualifying project.

If the authority determines that the proposed project would not satisfy either or both of the foregoing conditions, then the authority shall advise the applicant that its application for the tax credit provided by this act has been rejected. If the

authority determines that the proposed project may satisfy both the foregoing conditions, then the authority shall adopt a resolution or take comparable official action granting its preliminary approval of the proposed project and shall advise the applicant of the additional information needed by the authority in order to make a final determination as to whether or not the proposed project would be approved as a qualifying project for which the capital credit will be available.

(c) The authority shall develop and promulgate criteria, in addition to the conditions described in subsection (b), for the approval of projects as qualifying projects for the purposes of this act. Such criteria shall, in any event, include the following requirements with respect to any proposed project for which the authority has granted a preliminary approval in accordance with subsection (b):

(i) the authority must receive written evidence that (a) approval of the economic development project and the resulting inducements to be offered are essential to the creation of new jobs in the State of Alabama by an eligible company connected with this economic development project; and (b) no significant number of existing jobs in the state will be lost, or adversely affected due to the designation of an eligible company as an approved company, and the approval of the eligible company's economic development project;

(d) following the authority's receipt and review of written evidence set forth in subsection (c) with respect to the project, together with any other materials and information that the authority deems to be pertinent, the authority shall make a determination as to whether or not such project is to be approved as a qualifying project for the purposes of this act. Any such determination shall be set forth in a written resolution adopted at a duly convened meeting of the authority. If the authority determines that a proposed project satisfies all of the requirements of this act and all applicable criteria of the authority for approval as a qualifying project, the authority shall immediately forward a certified copy of the resolution evidencing such a determination and approval to the department.

Further amend the bill on line 15 of page 10 by inserting "continued" to precede the word "receipt."

Further amend in Section 10 by deleting "State Industrial Development Authority" each place it appears and inserting "authority" in lieu thereof.

AMENDMENT TABLED

On motion of Representative Carns, the amendment offered by Representative Galliher to the bill, H. 438, as amended, was tabled.

Yeas 55; Nays 32.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaston, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Laird, Layson, Letson, McAdory, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Turner, Turnham, Vance, Venable and Wren.

-55

Nay:

Representatives Bandy, Box, Buskey, Carothers, Clark (W), Curry, Ford, Gaines, Galliher, Gipson, Guin, Hall (A), Hawkins, Hayden, Hill, Jackson, Johnson (R), Kennedy, Knight (A), Mitchell, Morton, Murphree, Newton (D), Page, Payne, Petelos, Rogers (J), Sanderson, Sims, Thomas (D), Townsend and Willis.

-32

AMENDMENT OFFERED

Representative Page offered the following amendment #2 to the bill, H. 438, as amended:

On page 1, line 23; and on page 3, line 8; and on page 17, line 25; and on page 18, lines 5, 8, and 24 delete the date "January 16, 1995" and in lieu thereof substitute: January 1, 1995

AMENDMENT TABLED

On motion of Representative Carns, the amendment #2 offered by Representative Page to the bill, H. 438, as amended, was tabled.

Yeas 55; Nays 32.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaston, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hooper, Houston, Jorgensen, Laird, Layson, Letson, McAdory, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Turner, Turnham, Vance, Venable, White and Wren.

-55

Nay:

Representatives Bandy, Boyd, Buskey, Carothers, Clark (W), Curry, Ford, Gaines, Galliher, Gipson, Guin, Hawkins, Hayden, Hill, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), McClammy, Morton, Murphree, Newton (D), Page, Payne, Petelos, Rogers (J), Sanderson, Sims, Thomas (D), Townsend and Willis.

-32

MOTION TO ADJOURN LOST

The motion offered by Representative Gaines that the House adjourn until 9:00 o'clock a.m., Thursday, May 18, 1995, was lost.

Yeas 43; Nays 50.

Yea:

Representatives Baker, Bandy, Boyd, Buskey, Carothers, Clark (W), Crigler, Curry, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Maull, McAdory, McDaniel, Melton, Mitchell, Morton, Murphree, Newton (D), Page, Payne, Penry, Petelos, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Thomas (D), Thomas (J) and Townsend.

-43

Nay:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Gaston, Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Holmes, Hooper, Jorgensen, Knight (J), Laird, Layson, Letson, McKee, McMillan, Millican, Moore, Morrison, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Pringle, Rogers (M), Sanderford, Smith, Starkey, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-50

H. 438 RESUMED

AMENDMENT OFFERED

Representative Petelos offered the following amendment to the bill, H. 438, as amended:

On page 1, line 23; and on page 3, line 8; and on page 17, line 25; and on page 18, lines 5, 8, and 24 delete the date "January 12, 1995" and in lieu thereof substitute: January 1, 1995

AMENDMENT TABLED

On motion of Representative Carns, the amendment offered by Representative Petelos to the bill, H. 438, as amended, was tabled.

Yeas 59; Nays 22.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaston, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Holmes, Hooper, Houston, Jorgensen, Knight (J), Laird, Layson, Letson, McAdory, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Turnham, Vance, Venable, White and Wren.

-59

Nay:

Representatives Carothers, Curry, Ford, Gaines, Galliher, Gipson, Guin, Hawkins, Hill, Johnson (R), Knight (A), Morton, Newton (D), Page, Payne, Petelos, Rogers (J), Sanderson, Sims, Thomas (D), Townsend and Willis.

-22

MOTION TO ADJOURN LOST

The motion offered by Representative Sims that the House adjourn until 9:00 o'clock a.m., Thursday, May 18, 1995, was lost.

Yeas 32; Nays 48.

Yea:

Representatives Buskey, Carothers, Clark (W), Crigler, Curry, Ford, Gaines, Galliher, Gipson, Guin, Hall (A), Hawkins, Hill, Houston, Johnson (R), Kennedy, Knight (A), McClammy, Mitchell, Morton, Murphree, Newton (D), Page, Payne,

Petelos, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Thomas (D) and Townsend.

-32

Nay:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Dean, Dolbare, Flowers, Gaston, Graham, Hall (L), Hammett, Haney, Hawk, Hinshaw, Hogan, Hooper, Jorgensen, Laird, Layson, Letson, McKee, McMillan, Millican, Moore, Morrison, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (M), Sanderford, Smith, Starkey, Turner, Turnham, Vance, Venable, Willis and Wren.

-48

MOTION TO ADJOURN LOST

The motion offered by Representative Newton (D) that the House adjourn until 9:00 o'clock a.m., Thursday, May 18, 1995, was lost.

Yeas 33; Nays 48.

Yea:

Representatives Buskey, Carothers, Clark (W), Crigler, Curry, Ford, Gaines, Galliher, Graham, Guin, Hall (A), Hawkins, Hill, Houston, Johnson (R), Kennedy, Knight (A), McClammy, McDaniel, Mitchell, Morton, Murphree, Newton (D), Page, Payne, Petelos, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Thomas (D) and Townsend.

-33

Nay:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Gaston, Gipson, Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Hooper, Jorgensen, Laird, Layson, Letson, McKee, McMillan, Millican, Moore, Morrison, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (M), Sanderford, Smith, Starkey, Turner, Turnham, Vance, Venable and Wren.

-48

H. 438 RESUMED**MOTION TO INDEFINITELY POSTPONE OFFERED**

Representative Rogers (J) offered the motion to indefinitely postpone the bill, H. 438, as amended.

MOTION IN WRITING OFFERED

Representative McKee offered the following Motion in Writing relating to the bill, H. 438, as amended:

Mr. Speaker:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 51; Nays 22.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hill, Hinshaw, Hooper, Houston, Jorgensen, Knight (A), Laird, Layson, Letson, McKee, McMillan, Moore, Morrison, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (M), Sanderford, Smith, Starkey, Turner, Turnham, Vance, Willis and Wren.

-51

Nay:

Representatives Buskey, Clark (W), Curry, Ford, Gaines, Galliher, Guin, Hawkins, Johnson (R), Kennedy, McClammy, Mitchell, Morton, Murphree, Newton (D), Page, Payne, Petelos, Rogers (J), Sanderson, Thomas (D) and Townsend.

-22

MOTION TO INDEFINITELY POSTPONE LOST

The question was then on the motion offered by Representative Rogers (J) to indefinitely postpone the bill, H. 438, as amended, and the motion to indefinitely postpone was lost.

Yeas 13; Nays 54.

Yea:

Representatives Hawkins, Hill, Johnson (R), Knight (A), Morton, Newton (D), Page, Payne, Petelos, Rogers (J), Sims, Thomas (D) and Townsend.

-13

Nay:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Laird, Layson, Letson, McKee, McMillan, Melton, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Turner, Vance, Venable, White, Willis and Wren.

-54

And the bill:

H. 438. To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives

pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 17.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Knight (A), Laird, Layson, Letson, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-64

Nay:

Representatives Buskey, Clark (W), Curry, Galliher, Hawkins, Johnson (R), Kennedy, Mitchell, Morton, Newton (D), Page, Payne, Petelos, Rogers (J), Sims, Thomas (D) and Townsend.

-17

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Box:

H.R. 173. COMMENDING BECKY DICKINSON OF MOBILE, ALABAMA,
FOR OUTSTANDING ACHIEVEMENT.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bills mentioned
were delivered to the Executive Department on the date and hour named and that
I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:10 P.M. on May 17, 1995.

H.J.R. 142

H. 223

H. 224

H. 325

Delivered to the Governor at 3:50 P.M. on May 17, 1995.

H. 410

H. 411

H. 221

Delivered to the Governor at 4:27 P.M. on May 17, 1995.

H. 222

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Clark (W), the House adjourned until 9:00
o'clock a.m., Thursday, May 18, 1995.

NINTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 18, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Scott Hilliker, Ridgecrest Baptist Church, Tuscaloosa, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jamie Fuell, 8th Grade, Daughter's of the American Revolution School, Grant, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eighth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock a.m. on Tuesday, May 23, 1995, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.J.R. 174. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, May 25, 1995, they adjourn to meet again on Tuesday, May 30, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, May 31, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, June 1, 1995.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to take up for immediate consideration the foregoing resolution, H.J.R. 174.

RESOLUTION ADOPTED

On motion of Representative Hammett, the resolution, H.J.R. 174, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 438. To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

TOMMY CARTER
Chairman

And the bill, H. 438, as engrossed, was ordered sent to the Senate.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 171. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

WHEREAS, the Alabama Legislature, during the 1994 Legislative Session, debated and considered ways in which to meet the pressing need for additional nursing home beds in the State of Alabama and searched for a legislative solution to encourage gradual steady growth of available nursing home beds in those counties where the need for additional nursing home beds was the most pressing; and

WHEREAS, in the 1994 Regular Session, the Alabama Legislature passed Act No. 94-209, which amended Section 22-21-265 of the Code of Alabama 1975, commonly known as the "Ten Percent Act" which was signed into law on March 17, 1994, thereby creating a statutory system designed to meet the need for additional nursing home beds in the State of Alabama; and

WHEREAS, nursing home facilities in the State of Alabama, in accordance with the intent and purpose of the Alabama Legislature, applied for and received exemptions pursuant to the Ten Percent Act from the Executive Director of the Alabama State Health Planning and Development Agency (SHPDA), and in reliance upon the granting of exemptions pursuant to the Ten Percent Act, constructed additional nursing home beds to meet the pressing need for nursing home beds in the State of Alabama; and

WHEREAS, SHPDA Executive Director, Elbert Peters, and the SHPDA Board have notified numerous nursing home facilities throughout the State of Alabama that exemptions granted pursuant to the Ten Percent Act are being reconsidered and may be revoked; and

WHEREAS, the actions of SHPDA Executive Director, Elbert Peters, and the SHPDA Board threaten to force Alabama residents from nursing home beds lawfully added pursuant to the Ten Percent Act, and threaten to cause nursing home facilities to lose millions of dollars already spent in reliance upon exemptions granted pursuant to the Ten Percent Act thereby endangering the very fabric of the nursing home industry in the State of Alabama; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge SHPDA Executive Director, Elbert Peters, and the SHPDA Board to ratify the exemptions granted to nursing home facilities in the State of Alabama pursuant to the Ten Percent Act, and to desist from any further efforts to reconsider or revoke exemptions granted pursuant to the Ten Percent Act, so that Alabama residents may continue to remain in badly needed additional nursing home beds available as a result of the Ten Percent Act, and so that nursing home facilities in the State of Alabama may not lose millions of dollars already spent to provide the badly needed nursing home beds added pursuant to the Ten Percent Act, thus insuring that the nursing home industry in the State of Alabama may continue to meet the pressing needs of Alabama residents for available nursing home beds.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Elbert Peters.

On motion of Representative Carter, the resolution, H.R. 171, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 164. COMMENDING EVA H. THOMPSON OF MONROVIA, ALABAMA, AS ALABAMA'S 1995 TEACHER OF THE YEAR.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Eva H. Thompson of Monrovia, Alabama, on her selection as 1995 State Teacher of the Year; and

WHEREAS, in addition to this prestigious honor, Mrs. Thompson has also been selected State Elementary Teacher of the Year and as Alabama's candidate for National Teacher of the Year honors; and

WHEREAS, over her distinguished tenure, Mrs. Thompson, a teacher at Monrovia Middle School, in the Madison County School System, has impacted greatly upon the lives of countless young students; and

WHEREAS, her every effort has been directed toward providing a quality education and a firm foundation for the young students under her tutelage and care that they might achieve to their maximum potential and, through her achievements, she has earned the highest regard and respect of students, parents and the entire educational community as an outstanding educator and a dedicated professional; and

WHEREAS, Mrs. Thompson is indeed deserving of public recognition for her many noteworthy efforts and accomplishments in the field of education, and for the honor and acclaim she has brought to her school, community and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as 1995 Alabama Teacher of the Year, and in tribute to her outstanding professional achievement and service, we hereby extend highest commendation and heartiest congratulations to Mrs. Eva H. Thompson of Monrovia, Alabama, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 164, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 165. URGING THE RETURN OF THE CSS HUNLEY TO THE CITY OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama notes the significant historical discovery of the legendary Confederate States Submarine Hunley, off the coast of Sullivan's Island near Charleston, South Carolina, on May 3, 1995; and

WHEREAS, the discovery of the CSS Hunley, whose 25-foot hull was adapted from an iron boiler, has been described as the greatest underwater find since the renowned Union gunboat USS Monitor was located; and

WHEREAS, the CSS Hunley, on the night of February 17, 1864, sailed out of Charleston Harbor, rammed a torpedo packed with 100 pounds of black powder into the stern of the USS Housatonic, after which the brave crew by means of hand cranks pulled away from the Union frigate and detonated the explosives with a rope; thus the Hunley became the first successfully operated submarine and the first submarine to sink another vessel during a war; however, the success of the mission was short-lived; the vessel never returned to port, the cause of its sinking still a mystery; and

WHEREAS, the State of Alabama and the City of Mobile may justifiably maintain a significant connection with this naval icon; the craft was constructed near the intersection of Canal and Water Streets in Mobile by Park and Lyons Company, and we note that while this machine shop was dismantled some years ago, its building materials were salvaged and placed in storage by the city with each brick numbered for eventual reconstruction; and

WHEREAS, the City of Mobile was the home port for the CSS Hunley, the majority of the crew on the night of its historic mission were Mobilians, and the vessel was shipped via rail from its point of origin to Charleston, all documented facts which provide strong arguments for the return of the submarine to its hometown; and

WHEREAS, the City Museum of Mobile currently has a life-size replica of the Hunley and a detailed display and drawings of the interior of the vessel, testaments of the paramount historical appreciation the city possesses in this revolutionary invention; and with the anticipated relocation of this nationally respected museum to the Old City Hall, a National Landmark, the Hunley may be displayed and housed in the most appropriate and historically correct site; and

WHEREAS, press reports concerning the proprietary rights of the vessel are conflicting, but irrespective of who possesses the rights to the submarine, the

Hunley belongs to all the citizens of this nation and it should be placed in the most historically proper and accurate location, which is the port and city of its conception and construction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly encourage all interested parties involved in the salvaging of the vessel, including the United States Government, the State of South Carolina, the University of South Carolina, and Mr. Clive Cussler, to earnestly consider returning this magnificent historical treasure to its home, the grand and beautiful City of Mobile, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to those interested parties enumerated herein and to the City of Mobile so that they may be informed of our sentiments.

On motion of Representative Carter, the resolution, H.J.R. 165, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 166. COMMENDING STEVE KITTRELL FOR HIS 500TH WIN AS A COLLEGE BASEBALL COACH.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama honors the Head Coach of the University of South Alabama Baseball Team, Steve Kittrell, for his 500th win as a college baseball coach; and

WHEREAS, in his 12 seasons with the Jaguars, Steve Kittrell has lead his team to seven NCAA Tournaments, seven Sunbelt Titles, a number 11 national ranking, and the inaugural season team was one game away from the College World Series; and

WHEREAS, a native of Mobile, Alabama, Steve Kittrell attended the University of South Alabama where he played baseball under his coach and mentor, Eddie Stanky, who was instrumental in signing Steve with the Boston Red Sox; and

WHEREAS, after serving as a graduate assistant to Eddie Stanky in 1973, Steve Kittrell pursued his dream, coaching at Niceville High School, UMS Preparatory School, Enterprise State Alabama Junior College, and Spring Hill College, where he earned widespread regard for his coaching abilities; and

WHEREAS, Steve Kittrell was named District 30, Gulf Coast Athletic Conference; Area Two Tournament Coach of the Year; and 1992 Sun Belt Coach of the Year in recognition of his outstanding performance and leadership of the University of South Alabama Jaguars; and

WHEREAS, Steve Kittrell and his devoted wife, Carol, who is the University of South Alabama Associate Director of Alumni Affairs, are the proud parents of two children, Scott and Stacey; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his 500th win as a college baseball coach, we hereby accord highest commendation to Steve Kittrell, Head Coach of the University of South Alabama Jaguars, and furthermore direct that a copy of this resolution be presented as evidence of our pride and esteem.

On motion of Representative Carter, the resolution, H.J.R. 166, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 167. COMMENDING BRIAN GILLIS CAMPBELL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Legislature of Alabama notes the many outstanding accomplishments of Brian Gillis Campbell, a senior at W. P. Davidson High School in Mobile; and

WHEREAS, lauded by his teachers, admired and respected by his peers, Brian Gillis Campbell is indeed an exceptional young man of extraordinary talent and ability; and

WHEREAS, a 1995 National Merit Scholar, a Coca Cola Scholars semifinalist, and recipient of the Freedom Foundation George Washington Medal, young Brian Gillis has also been selected as a member of the Scott Hi-Q Team, Scholars' Bowl Team, and Duke University Talent Identification Program for the past three years, and as President of the National Honor Society, 1994-95, to name a few; and

WHEREAS, he has further provided leadership as Class President for the past four years, Key Club President (1994-95), Band Council President (1994-95), member of the PTSA board, Hugh O'Brian Youth Foundation (1992), and is a recipient of the Kodak Young Leader's Award (1993); and

WHEREAS, in an extension of accomplishments, he has been a member of the All-State Band, All-State Orchestra, All-South Orchestra, Mobile Student Symphony, Mobile Youth Wind Ensemble, the Brass Ensemble of Government Street Presbyterian Church, and has been a member of the varsity soccer team for 4 years; and

WHEREAS, in community involvement, he has served as a member of the Presbytery of South Alabama Youth Council, and is a recipient of the Eagle Scout Award and Order of the Arrow, among other activities and honors of service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pride and pleasure that we hereby most highly commend Brian Gillis Campbell of Mobile, Alabama, a young man in whom we are justly proud, and for whom a copy of this resolution of highest regard shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 167, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 170. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

WHEREAS, the Alabama Legislature, during the 1994 Legislative Session, debated and considered ways in which to meet the pressing need for additional nursing home beds in the State of Alabama and searched for a legislative solution to encourage gradual steady growth of available nursing home beds in those counties where the need for additional nursing home beds was the most pressing; and

WHEREAS, in the 1994 Regular Session, the Alabama Legislature passed Act No. 94-209, which amended Section 22-21-265 of the Code of Alabama 1975, commonly known as the "Ten Percent Act" which was signed into law on March 17, 1994, thereby creating a statutory system designed to meet the need for additional nursing home beds in the State of Alabama; and

WHEREAS, nursing home facilities in the State of Alabama, in accordance with the intent and purpose of the Alabama Legislature, applied for and received exemptions pursuant to the Ten Percent Act from the Executive Director of the Alabama State Health Planning and Development Agency (SHPDA), and in

reliance upon the granting of exemptions pursuant to the Ten Percent Act, constructed additional nursing home beds to meet the pressing need for nursing home beds in the State of Alabama; and

WHEREAS, SHPDA Executive Director, Elbert Peters, and the SHPDA Board have notified numerous nursing home facilities throughout the State of Alabama that exemptions granted pursuant to the Ten Percent Act are being reconsidered and may be revoked; and

WHEREAS, the actions of SHPDA Executive Director, Elbert Peters, and the SHPDA Board threaten to force Alabama residents from nursing home beds lawfully added pursuant to the Ten Percent Act, and threaten to cause nursing home facilities to lose millions of dollars already spent in reliance upon exemptions granted pursuant to the Ten Percent Act thereby endangering the very fabric of the nursing home industry in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge SHPDA Executive Director, Elbert Peters, and the SHPDA Board to ratify the exemptions granted to nursing home facilities in the State of Alabama pursuant to the Ten Percent Act, and to desist from any further efforts to reconsider or revoke exemptions granted pursuant to the Ten Percent Act, so that Alabama residents may continue to remain in badly needed additional nursing home beds available as a result of the Ten Percent Act, and so that nursing home facilities in the State of Alabama may not lose millions of dollars already spent to provide the badly needed nursing home beds added pursuant to the Ten Percent Act, thus ensuring that the nursing home industry in the State of Alabama may continue to meet the pressing needs of Alabama residents for available nursing home beds.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Elbert Peters.

On motion of Representative Carter, the resolution, H.J.R. 170, was adopted.

BILLS ON SECOND READING

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 46. To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 35. Relating to Elmore County; amending Section 1 of Act No. 91-539, H. 1094, 1991 Regular Session, relating to the compensation of the coroner of Elmore County, to further provide for the compensation of the coroner and assistant coroners of Elmore County; and specifically repealing Act No. 83-691, H. 677 of the 1983 Regular Session, relating to the coroner's compensation.

H. 351. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Houston County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

H. 472. Relating to Houston County; to provide for the issuance of annual boat certificates of registration by mail by the judge of probate; and to provide an additional fee for the purposes of this act.

H. 545. Relating to Etowah County; to provide for the establishment of the Etowah County Community Development Committee; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 553. (With Amendment): Relating to Calhoun County, authorizing the sheriff to sale certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 554. To provide an additional method by which the City of Oxford in Calhoun County may extend its corporate limits in addition to any other method now provided by law.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Laird:

H. 587. To require a reduction in the number of forms used by state agencies; and to provide that the Department of Finance would administer this act.

COMMITTEE ON STATE ADMINISTRATION

By Representative Ford:

H. 588. To amend Section 13A-5-9 of the Code of Alabama 1975, to allow certain persons sentenced to imprisonment for life without parole to be granted a parole under certain circumstances.

COMMITTEE ON JUDICIARY

By Representative Hill:

H. 589. To provide further for the regulation and supervision of the business of title insurance transacted within the state; to provide further for the authority of the Commissioner of Insurance; and to specifically repeal Sections 27-3-13 and 27-25-1 of the Code of Alabama 1975.

COMMITTEE ON BANKING

By Representative Venable:

H. 590. To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain provisions shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

COMMITTEE ON JUDICIARY

By Representative Venable (With Notice and Proof):

H. 591. Relating to Elmore County; to provide for the imposition of fees for fire protection and other related services; to provide for definitions; to provide for eligibility guidelines for receipt of the funds; to provide for the collection and use of the funds; to provide for alteration of fire districts; and to provide for exemptions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 591, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill:

H. 592. To amend Sections 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10, and 34-27A-11 of the Code of Alabama 1975, relating to the licensing and classes of real estate appraisers; to provide for the State Registered Real Property Appraiser Classification; and to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 of the Code of Alabama 1975, from taking a written examination for licensure reclassification to the "Registered Real Property Appraiser" classification.

COMMITTEE ON STATE ADMINISTRATION

By Representative McMillan:

H. 593. To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-7, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Mitchell, Vance, Jackson, Bandy, Johnson (E), Spratt, and Hall (L):

H. 594. Relating to environmental protection; to provide for criteria for identifying, monitoring, and reducing toxic chemical waste in certain communities; protecting community health by monitoring certain toxic waste establishments and the expansion and operation of certain commercial toxic waste facilities; preventing the permitting of certain new toxic waste facilities; providing for assistance in environmental cleanup activities in certain communities and providing for special programs involving loans, grants, insurance, and certain agreements to carry out this act; and providing general administration, enforcement, and promulgation of rules and regulations by the Director of the Alabama Department of Environmental Management.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Hooper, Clark (J), Carter, Hammett, Dukes, Dean, Sanderson, Carns, Papucci, Allen, Hinshaw, Haney, Gaines, Thomas (D), Hill, Gipson, Knight (A), Jorgensen, Sanderford, Curry, McDaniel, Hawkins, Townsend, McKee, Morrison, Murphree, Collins, Layson, Seibenhener, Clouse, Moore, Carothers, Laird, Sims, Willis, Wren, Vance, Fuller, Flowers, Turnham, Pringle, Gaston, Penry, McMillan, Crigler, Johnson (R), Hamilton, and Parker (T):

H. 595. To prohibit the awarding of punitive damages in certain malpractice actions; to limit the awarding of punitive damages in certain actions to those actions where actual damages are awarded; to limit noneconomic damages to \$500,000 per plaintiff in certain actions; and to provide that this act apply to causes of action accruing on or after the effective date of this act.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hill (With Notice and Proof):

H. 596. Relating to Shelby County; to provide that the county commission may install self-service computer terminals to provide information and process motor vehicle tag renewals and other similar services in the county; and to authorize the county commission to collect additional fees from users of self-service computer terminals.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 596, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Fuller, Turner, Turnham, Clark (J), and Haney:

H. 597. To authorize Alabama Public School and College Authority to sell and issue one hundred fifty million dollars (\$150,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds to replace pre-1978 school buses routinely used by certain city and county boards of education; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

COMMITTEE ON WAYS AND MEANS

By Representative McMillan:

H. 598. To amend Section 28-3-11, Code of Alabama 1975, relating to the

export of alcoholic beverages to another state to specifically exempt alcoholic beverages purchased from the Alcoholic Beverage Control Board for export to another country from taxes collected by the board.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hammett:

H. 599. To state the legislative intent; to define terms used in this act; to designate the Board of Nursing as the sole state authority to establish the qualifications necessary for a registered nurse to be certified as an advanced practice nurse; to authorize the Board of Nursing to adopt rules and regulations governing the certification of the advanced practice nurse; to provide that the State Board of Medical Examiners and the Board of Nursing shall regulate the collaborative practice of physicians and advanced practice nurses which includes certified registered nurse practitioners and certified nurse midwives, to require persons wishing to engage in those two categories of advanced practice nursing to be certified by the Board of Nursing and practice in accordance with protocols approved by the State Board of Medical Examiners and the Board of Nursing to recommend rules and regulations to govern the collaborative relationship between physicians and those two categories of advanced practice nurses; to authorize two categories of advanced practice nurses to prescribe legend drugs; to specify prohibited acts; to establish requirements for disciplinary actions to be initiated by the State Board of Medical Examiners and the Board of Nursing; and to authorize the State Board of Medical Examiners and the Board of Nursing to seek a civil injunction against any person engaged in advanced practice nursing in violation of this act.

COMMITTEE ON HEALTH

By Representatives Haney, Papucci, Hooper, Allen, Gaines, Thomas (D), Hill, Jorgensen, Knight (A), Curry, Petelos, Sanderford, Townsend, McKee, Page, Carns, Sanderson, Hawkins, Hogan, Black (M), Dukes, Spratt, Morrison, Murphree, Smith, Galliher, Hall (L), Vance, Clark (J), Graham, Gipson, Morrow, Robinson, Ford, Johnson (E), Hall (A), Newton (D), Dean, Carter, Flowers, Turner, Newton (C), Reed, Layson, Collins, Hamilton, Parker (T), Johnson (R), Carothers, Millican, Baker, Seibenhener, Moore, Box, Sims, Willis, Laird, Guin, Holmes, Jackson, McMillan, Gaston, Pringle, Crigler, Clark (W), Fuller, Starkey, Wren, Hammett, Penry, and Morton:

H. 600. Providing further for the office of the Attorney General by amending Sections 36-15-1, 36-15-4.2, 36-15-5.1, 36-15-6, 36-15-10, 36-15-10.1, 36-15-11.1, 36-15-21, and 36-15-60 of the Code of Alabama 1975, relating to the duties, personnel, and certain funds of the office and repealing Sections 36-15-2, 36-15-4, 36-15-7, 36-15-8, 36-15-11, 36-15-18, and 36-15-20 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 479, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 546, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Lindsey, McAdory, McDaniel, McKee, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Wren.

-59

And the bill:

H. 546. Relating to Sumter County; to repeal Act No. 85-471, H. 754 of the 1985 Regular Session (Acts 1985, p. 465), providing supplemental fee allowances for constables and for additional court costs.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Dukes, Gaines, Gipson, Graham, Guin, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Lindsey, McAdory, McDaniel, McMillan, Mitchell, Moore, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 479, which was previously temporarily carried over was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Gipson, Graham, Guin, Hammett, Hawk, Hayden, Hill, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, Morrison, Murphree, Newton (D), Parker (P), Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable and Wren.

-56

And the bill:

H. 479. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Wilcox County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Parker (P), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren and Wren.

-65

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 175. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 9th legislative day, Thursday, May 18, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 56 - By Turner	26
Conservation and Natural Resources Dept., work week to commence Saturday	
H. 360 - By Turner	27
Conservation and Natural Resources Dept., commercial fishing equipment, tag with name of owner req., penalty	
H. 361 - By Turner	26
Conservation and Natural Resources Dept., regulation of commercial fishing, cert. equipment prohib., penalties	
H. 362 - By Turner	27
Fishing, use of gill net and cert. other devices prohibited in fresh waters of the William "Bill" Dannelly Reservoir, Class A misdemeanor, penalties, Sec. 9-11-88 am'd.	
H. 363 - By Turner	28
Hunting at night, penalties further provided for, Sec. 9-11-235 am'd.	

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H. 365 - By Turner 28

Hunting licenses, nonresidents who pay ad valorem tax under cert. conditions, purchase of license as a resident, Sec. 9-11-49.2 repealed

H. 366 - By Turner 28

Fishing, free fishing days, designation of Saturday and Sunday of National Fishing Week, Sec. 9-11-56.2 am'd.

H. 367 - By Turner 29

Hunting from tree stand, legal game except wild turkey, with guns auth., Sec. 9-11-245 am'd.

H. 317 - By Dolbare 21

Teachers, written policy formulation to include support personnel, Secs. 16-8-10, 16-11-18 am'd.

H. 465 - By Hill 56

Housing Finance Authority, bonds, issuance restricted after Dec. 31, 1995, Sec. 24-1A-9 repealed

H. 345 - By Laird (As Amended) 4

Retirement Systems of Alabama, membs. reduction on retirement benefits removed, retiring on cert. specified date, Secs. 16-25-14, 36-27-16 am'd.

H. 208 - By Petelos 5

Divorce, retirement benefits included in the spousal estate, Sec. 30-2-51 am'd.

H. 17 - By Hammett 85

Judge of probate on fee system may receive \$.05 per name on list of qualified electors prepared by judge of probate, Sec. 17-4-138 am'd.

H. 350 - By McDaniel 5

Health insurance, retired education employees, incr. in contributions, Sec. 16-25A-17 am'd.

H. 500 - By Knight (A) (As Amended)	82
Utilities, alt. method of regulating by Public Service Commission, Sec. 37-1-80 am'd.	
H. 50 - By McDaniel (As Amended)	22
Tax collector, publication of notice of land sales, Sec. 40-10-6 am'd.	
H. 298 - By Curry	53
Elections, voter identification req. prior to voting	
H. 388 - By Newton (C)	51
Law enforcement officers and firemen, comp. due to death in the line of duty, workers' comp. exceptions deleted, Secs. 36-30-1, 36-30-21 am'd.	
H. 154 - By Hawk	7
Child custody, cts. may award jt. custody when in best interests of child, ensure equal access to child's records	
H. 102 - By Smith	31
Retirement income, exempt from satisfaction of a judgment for unpaid taxes	
H. 187 - By Carothers (As Substituted)	50
Alabama Aquatic Plant Control Act, noxious aquatic plants prohib., fines, civil procedure	
H. 282 - By Newton (D)	84
Jefferson Co., municipalities, publication of names of employees, Act No. 516, 1931 Reg. Sess. repealed	
H. 310 - By Crigler	36
Evidence, scientific analysis, certificate of analysis in lieu of direct testimony, exceptions for subpoena	
H. 420 - By Sims	52
Law enforcement training schools, estab., alt., Sec. 36-21-45 am'd.	

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H. 379 - By Sanderford 51

Deer meat, sale other than white tail auth., Sec. 9-11-237
am'd.

H. 160 - By Perdue 11

Contracts, competitive bids, vehicles with cert. gross weight,
repair parts, repair or lease of vehicle, exempt, Sec. 41-16-52
am'd.

H. 20 - By Page 58

Special license plates for veterans, certification by local
veterans affairs offices, Sec. 32-6-350 am'd.

H. 190 - By Johnson (R) (As Amended) 23

Class 6 muns., may remove unsafe structures, provide for
weed abatement, Secs. 11-53A-1, 11-53A-2, 11-67-20,
11-67-21, 11-67-23, 11-67-25, 11-67-26 am'd.

H. 46 - By McKee 49

Animals with no rabies vaccine, ownership prohibited, Sec.
3-8-1 repealed

H. 315 - By Hall (L) 20

Alabama A & M University, bd. of trustees, membs.
deceased, meetings, Secs. 16-49-20, 16-49-26 am'd.

H. 152 - By Box 54

Boards of Registrars, voter files, maintenance activities,
names purged

H. 299 - By Layson 49

Property, prescribed burning, reg. by Forestry Comm.,
limitation of liability

H. 339 - By Hooper 30

Employees' Retirement System, reopen for prior service
credit in State Economic Opportunity Office

H. 356 - By Knight (A)	37
Tannehill Furnace and Foundry Commission renamed the Alabama Historic Ironworks Commission	
H. 373 - By Rogers (J) (As Amended)	46
Insurance premium finance companies reg., max. service charge, time limits, Secs. 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, 27-40-17 am'd.	
H. 481 - By Flowers (As Amended)	71
State property, sale or lease of cert. value, subject to public auction or sealed bid, Sec. 41-4-33 repealed	
H. 94 - By Page (As Amended and Substituted)	83
State employees and law enforcement officers, participation in political activity auth., Sec. 17-1-7 am'd.	
H. 534 - By Sanderson	73
Real estate, licensee, fee for research and ed. levied, Secs. 34-27-4, 34-27-31, 34-27-35 am'd.	
H. 180 - By Black (M)	6
Legal separation, court may grant decree re, standards, effects, remedy of divorce from bed and board abolished, Secs. 30-2-30, 30-2-31 repealed	
H. 145 - By Newton (C) (As Substituted)	55
Liquefied petroleum gas, use of unvented heaters in mobile homes, definition of used manufactured home clarified, Act 94-706, 1994 Reg. Sess. am'd.	
H. 158 - By Crigler (As Amended)	33
Agriculture or seafood, disparagement, crime of further defined, civil action extended, Secs. 6-5-620, 6-5-621, 6-5-624 am'd.	
H. 353 - By Baker	39
Corrections Dept., correctional officers, replaced with employee with lower classification, prohib., establishment of security guard classification, prohib., Sec. 14-1-4 am'd.	

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H. 453 - By Haney 77

Credit cards, definition of expanded for purposes of illegal possession, Sec. 13A-9-14 am'd.

H. 340 - By Hooper 10

State Insurance Fund, salvage of prop., procedure alt., Sec. 41-15-4 am'd.

H. 9 - By Flowers (As Substituted) 8

State Docks Department, expending public funds for immoral entertainment, prohib., Sec. 33-1-1 am'd.

H. 166 - By Guin 22

Industrial Development Authorities, organized by counties, appointment of directors by local legislative delegation, Sec. 11-92A-5 am'd.

H. 286 - By Newton (D) (As Substituted) 24

Public accountants, practice by means of a limited liability company or limited liability partnership, to provide definitions, Secs. 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, 34-1-21 am'd.

H. 142 - By Buskey (As Amended) 30

Corrections Dept., inmates in co. jails, responsibility of dept. for medical care, Sec. 14-3-30 am'd.

On motion of Representative Carter, the resolution, H.R. 175, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 56, was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, White, Willis and Wren.

-79

And the bill:

H. 56. To provide that the work week of the Department of Conservation and Natural Resources would begin on Saturday of each week.

was taken up.

SUBSTITUTE OFFERED

Representative Turner offered the following substitute to the bill, H. 56:

A BILL TO BE ENTITLED AN ACT

To authorize the Department of Conservation and Natural Resources to designate the calendar work week for its law enforcement officers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature declares that it is the purpose of this act to authorize the Commissioner of the Department of Conservation and Natural Resources to designate the calendar work week for its law enforcement officers.

Section 2. For the purpose of Sections 36-21-4 and 36-21-5 of the Code of Alabama 1975, the Commissioner of the Department of Conservation and Natural Resources may designate the calendar work week for the law enforcement officers employed by the department.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Mauli, McAdory, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-78

And the bill:

H. 56. To authorize the Department of Conservation and Natural Resources to designate the calendar work week for its law enforcement officers.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 360, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, White and Willis.

-84

And the bill:

H. 360. This bill would require all commercial fishing equipment used in the waters of this state to be affixed with a tag containing the name, address, and social security number or tax identification number of the commercial fisherman, and provide for a penalty.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White and Willis.

-84

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 361, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-81

And the bill:

H. 361. To prohibit the designing, building, or use of wooden fishing boxes with barriers spaced less than an inch apart, and would provide penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-84

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 362, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-84

And the bill:

H. 362. To amend Section 9-11-88 of the Code of Alabama 1975, prohibiting the use of gill, trammel, or similar type net, in certain waters of the state; to prohibit the use of the devices in fresh waters impounded by the William "Bill" Dannelly Reservoir Dam; to specifically exclude the use of certain hoop nets and wooden boxes from the prohibition of similar type nets; and to provide for misdemeanor penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-80

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 363, was adopted.

Yeas 71; Nays 1.

Yea:

Mr. Speaker, Allen, Box, Boyd, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-71

Nay:

Representative Willis.

- 1

And the bill:

H. 363. To amend Section 9-11-235 of the Code of Alabama 1975, relating to the taking of certain animals and birds at night, so as to further provide for the penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, White and Wren.

-72

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 365, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-73

And the bill:

H. 365. To repeal Section 9-11-49.2, Code of Alabama 1975, relating to the treatment of certain nonresidents paying a certain amount of ad valorem property taxes as Alabama residents for the purpose of purchasing certain hunting licenses.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, McAdory, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-75

Nay:

Representative White.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 366, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Clouse, Collins, Crigler, Curry, Dean, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-79

And the bill:

H. 366. To amend Section 9-11-56.2 of the Code of Alabama 1975, relating to the establishment of the annual "Free Fishing Day"; to require for the designation of two dates each calendar year.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-82

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 366:

Representatives Allen, Bandy, Black (M), Box, Buskey, Carns, Clark (J), Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Guin, Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 367, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-83

And the bill:

H. 367. To amend Section 9-11-245, Code of Alabama 1975, relating to certain unlawful methods of hunting birds or animals protected by law or regulation, so as to further provide for the use of a scaffold or tree stand for gun hunting of all legal game species except wild turkey.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-83

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 367:

Representatives Baker, Carns, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dukes, Ford, Gaines, Galliher, Gipson, Guin, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Knight (J), Layson, Maull, McAdory, McClammy, McDaniel, Morrison, Morrow, Murphree, Newton (D), Papucci, Petelos, Pringle, Rogers (J), Sanderford, Sims, Smith, Spratt, Townsend and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 317, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-81

S. 256 SUBSTITUTED FOR H. 317

In accordance with House Rule 20 and on motion of Representative Dolbare, the bill, S. 256, was substituted for the bill, H. 317.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, S. 256, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-83

And the bill:

S. 256. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, pertaining to written policies for teachers so as to further provide for written policies and input by education support personnel as well as teachers.

was taken up.

SUBSTITUTE OFFERED

Representative Dolbare offered the following substitute to the bill, S. 256:

A BILL
TO BE ENTITLED
AN ACT

To repeal Sections 16-8-10 and 16-11-18, and 16-9-15, Code of Alabama, 1975, pertaining to written policies for teachers for city and county boards of education and to replace the statutes with this act so as to require written input by

education support personnel as well as teachers when policies are adopted affecting such employees; to require the input by the employees to be in writing; to establish other regulations relating to written policies for public school personnel; to establish definitions; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections Repealed. Sections 16-8-10, 16-11-18, and 16-9-15, Code of Alabama, 1975, as amended, pertaining to educational policies of county and city boards of education are hereby specifically repealed.

Section 2. Definitions. When used in this act, the following words shall have the following meanings:

(a) **LOCAL BOARD OF EDUCATION or BOARD OF EDUCATION.** Any city or county board of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama School of Fine Arts; and the Board of Directors of the Alabama High School of Mathematics and Science.

(b) **CHIEF EXECUTIVE OFFICER.** The superintendent of any public county or public city school system; the President of the Alabama Institute for Deaf and Blind; the Superintendent of the Department of Youth Services District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science.

(c) **PROFESSIONAL ORGANIZATION.** The employees' local professional organization whose parent organization represents the majority of school employees statewide.

Section 3. The local board of education shall, upon the written recommendation of the chief executive officer, determine and establish a written educational policy for the board of education and its employees and shall prescribe rules and regulations for the conduct and management of the schools. Before adopting the written policies, the board shall, directly or indirectly through the chief executive officer, consult with the applicable local employees' professional organization. Input by the applicable professional organization shall be made in writing to the chief executive officer. Representatives of the professional organization shall be made known to the chief executive officer in writing by the professional organization's duly elected officers or their representative. The chief executive officer of the board may also consult with professional assistants, principals, employees, and other interested citizens. The written policies, rules, and regulations, so established, adopted, or promulgated shall be made available to all persons affected and employed by the board. Any amendments to the policies, rules, and regulations shall be developed in the same manner and furnished to the affected persons employed by the board within 20 days after adoption.

Section 4. This act shall become effective with the commencement of the 1995-96 scholastic year.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-83

And the bill, S. 256, as amended, was read a third time at length and passed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 465, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McClammy, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

S. 89 SUBSTITUTED FOR H. 465

In accordance with House Rule 20 and on motion of Representative Hill, the bill, S. 89, was substituted for the bill, H. 465.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, S. 89, was adopted.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

And the bill:

S. 89. To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

was read a third time at length and passed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

H. 465 INDEFINITELY POSTPONED

On motion of Representative Hill, the bill, H. 465, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 345, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, Millican, Moore, Morton,

Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

And the bill:

H. 345. (With Amendment): To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama 1975, relating to retirement benefits of teachers and state employees; to remove the reduction for members of the Teachers' and Employees' Retirement Systems retiring on disability on or after October 1, 1995; and to provide for an effective date.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 345, on page 32, by deleting Section 2 in its entirety and substituting in lieu thereof the following:

Section 2. It is the intent of this act to remove the disability penalty provision and to apply the act to all disability retirants prior to and after October 1, 1995, so as to allow them to receive, effective October 1, 1995, their pension annuity without the previous penalty. It is not the intent of this act to provide retroactive pay to anyone retiring prior to the effective date of this act.

Also amend House Bill 345, in the synopsis, by deleting lines 14-17, inclusive, and substituting in lieu thereof the following: This bill would repeal the disability reduction factor for the Teachers' and Employees' Retirement Systems effective October 1, 1995, and prospectively authorize payment of the full earned benefit.

Also amend House Bill 345, by deleting the title in its entirety, on page 1, lines 23-26, inclusive and on page 2, lines 1-2, inclusive, and substituting in lieu thereof the following: To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama, 1975, relating to retirement benefits of teachers and state employees, to remove the disability reduction factor for members of the Teachers' and Employees' Retirement Systems effective October 1, 1995; and to provide for the payment of full earned benefits prospectively from that date.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, Millican, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Laird, House Rule 73 was suspended in order to consider the bill, H. 345.

And the bill:

H. 345. To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama, 1975, relating to retirement benefits of teachers and state employees, to remove the disability reduction factor for members of the Teachers' and Employees' Retirement Systems effective October 1, 1995; and to provide for the payment of full earned benefits prospectively from that date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 56. To authorize the Department of Conservation and Natural Resources to designate the calendar work week for its law enforcement officers.

TOMMY CARTER
Chairman

And the bill, H. 56, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 208, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-71

And the bill:

H. 208. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain retirement benefits within a spousal estate when the court determines an allowance upon the grant of a divorce if certain conditions are met.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McClammy, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (D), Turnham, Vance, Venable, Willis and Wren.

-69

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 17, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Willis and Wren.

-85

And the bill:

H. 17. To amend Section 17-4-138 of the Code of Alabama 1975, to limit the collection of the \$.05 fee per name from the list of qualified electors to judges of probate who are compensated on the fee system.

was taken up.

SUBSTITUTE OFFERED

Representative Hammett offered the following substitute to the bill, H. 17:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 17-4-138 of the Code of Alabama 1975, to limit the collection of the \$.05 fee per name from the list of qualified electors to judges of probate who are compensated on the fee system; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-4-138 of the Code of Alabama 1975, is amended to read as follows:

"§17-4-138.

"The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. Notwithstanding the foregoing, only the judge of probate who is compensated on the fee system shall receive or such his or her assistants shall be paid out of the county treasury by warrants, drawn by the county commission on certificate of the probate judge, accompanied by the certificates of the person being paid, showing the amount is due under the provisions of pursuant to this chapter, but the entire amount spent for the preparation of such the lists shall not exceed a sum equal to the amount obtained by multiplying the number of names on said the list by \$.05 for the preparation of such the list. The judge of probate in all counties having a population of not less than 100,000 nor more than 350,000, according to the last or any subsequent federal census, is hereby authorized and directed to shall employ a clerk to assist the board of registrars of said the county. The duties of said clerk shall be to submit to the board of registrars revised election lists of said the county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, nonresident, and fictitious persons named upon said the roll and those convicted of crime, and shall further attend to all clerical work of the board of registrars. Such The clerk shall be paid a compensation out of the county treasury, in an amount of not more than \$250.00 two hundred and fifty dollars (\$250) per month, to be fixed by the judge of probate.

"The board of registrars shall be furnished with not less than 450 square feet of office space by the county governing body. The chairman chair of the board of registrars is hereby authorized to may purchase all necessary office equipment and hire all necessary part time or full time clerical help to perform its prescribed duties.

"At the discretion of the board of registrars, voting machines may be placed in their office."

Section 2. The amendatory provisions to Section 17-4-138 of the Code of Alabama 1975, shall become operative with the next term of office of the judge of probate.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White, Willis and Wren.

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Nay:

Representative Hall (A).

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Mitchell and Boyd intended to vote "Yea" on adoption of the substitute to the bill, H. 17.

And the bill:

H. 17. To amend Section 17-4-138 of the Code of Alabama 1975, to limit the collection of the \$.05 fee per name from the list of qualified electors to judges

of probate who are compensated on the fee system; and to provide for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McClammy, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Willis and Wren.

-80

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on passage of the bill, H. 17, as amended.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 350, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 500, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes,

Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-86

And the bill:

H. 500. (With Amendment): To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Commerce, Transportation and Utilities, said committee amendment being as follows:

Amend H. 500 on Page 3, beginning on line 7 by deleting in its entirety Section 1 (b) (2) and inserting in lieu thereof the following new Section 1 (b) (2):

(2) After the effective date of this act any proceeding to adopt an alternative method of regulation as defined in paragraph (b) (1) shall be initiated by application of the utility seeking such alternative regulation, by the Commission on its own motion, or by the Attorney General as provided in Section 37-1-16.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-81

And the bill:

H. 500. To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-89

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Allen intended to vote "Yea" on passage of the bill, H. 500, as amended.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with Rule 19, the Budget Isolation Resolution and the bill, H. 50, were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Curry offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 298.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 175, the time to debate the bill, H. 298, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative McDaniel offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 350, which previously was temporarily carried over.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 175, the time to debate the bill, H. 350, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 50, which was previously temporarily carried over, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, White, Willis and Wren.

-74

And the bill:

H. 50. (With Amendment): To amend Section 40-10-6, Code of Alabama 1975, to allow publication by the tax collector of notices of land sales for delinquent taxes to be placed in any newspaper or newspapers published in the county.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. 50, page 1, in the Synopsis, line 16, by adding after the word "is" the following language: a legally qualified newspaper

Further amend on page 2, section 1, line 14, by adding after the word "is" the following: a legally qualified newspaper

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-76

And the bill:

H. 50. To amend Section 40-10-6, Code of Alabama 1975, to allow publication by the tax collector of notices of land sales for delinquent taxes to be placed in any newspaper or newspapers published in the county.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Knight (A), Laird, Layson, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-79

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 388, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Hall (L), Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McClammy, McDaniel, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

-71

And the bill:

H. 388. To amend Sections 36-30-1 and 36-30-21 of the Code of Alabama 1975; to provide that if a peace officer or firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation; to provide that this act shall apply to any municipality even if it has elected to be covered by the workers' compensation laws of this state.

was taken up.

SUBSTITUTE OFFERED

Representative Newton (C) offered the following substitute to the bill, H. 388:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-30-1 of the Code of Alabama 1975; to provide that if a peace officer or firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-30-1 of the Code of Alabama 1975, is amended to read as follows:

"§36-30-1.

"(a) For the purposes of this chapter, the following words and phrases shall have the following meanings, ~~respectively, unless the context shall clearly indicate a different meaning in the connection used:~~

"(1) AWARDING AUTHORITY. The state board of adjustment, created and existing pursuant to article 4, chapter 9 of Title 41.

"(2) DEPENDENT CHILD. An unmarried child under the age of 18 years, or one over ~~that~~ the age of 18 who is physically or mentally incapacitated from earning.

"(3) FIREMAN OR FIREMEN. A member or members of a paid, part-paid₂ or volunteer fire department of a city, town, county₂ or other subdivision of the state or of a public corporation organized for the purpose of providing water, water systems, fire protection services₂ or fire protection facilities in the state; and ~~such words~~ shall include the chief, assistant chief, wardens, engineers, captains, firemen₂ and all other officers and employees of such departments who actually engage in fire fighting or in rendering first aid in case of drownings or asphyxiation at the scene of action.

"(4) PEACE OFFICER. All sheriffs, deputy sheriffs, constables, municipal police officers, municipal policemen, state and town marshals, members of the highway patrol, state troopers, alcoholic beverage control board enforcement division agents, revenue agents₂ and persons who are required by law to comply with the provisions of the peace officers minimum standards, employees of the board of corrections, highway camp guards, law enforcement officers of the department of conservation and natural resources, all law enforcement officers of the Alabama forestry commission, livestock theft investigators of the department of agriculture and industries, capitol security guards, narcotic agents and inspectors of the state board of health₂ ~~and~~ any other state, county₂ or municipal officer engaged in quelling a riot, ~~riot~~ or civil disturbance₂ and university police officers.

"(b) For the purposes of this chapter the following described persons shall be conclusively presumed to be wholly dependent:

"(1) Wife, unless it be shown that she was voluntarily living apart from her husband at the time of his death, or unless it be shown that the husband was not in any way contributing to her support and had not in any way contributed to her support for more than 12 months next preceding the occurrence of the injury causing his death.

"(2) Minor children under the age of 18 years and those over 18 if physically and mentally incapacitated from earning.

"(3) Wife, child, husband, mother, father, grandmother, grandfather, sister, brother, mother-in-law, and father-in-law who were wholly supported by the deceased peace officer or fireman at the time of his or her death and for a reasonable period of time prior thereto shall be considered his or her dependents and payment of compensation may be made to them as hereinafter authorized. If a peace officer is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation and payment of compensation may be made to them.

"(c) Any member of the class named in subdivision (3) of subsection (b) of this section who regularly derived part of his or her support from the earnings of the deceased peace officer or the deceased fireman, as the case may be, at the time of his or her death and for a reasonable time immediately prior thereto shall be considered his or her partial dependent and payment of compensation may be made to such partial dependent as hereinafter authorized."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

And the bill:

H. 388. To amend Section 36-30-1 of the Code of Alabama 1975; to provide that if a peace officer or firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents, then his or her mother or father shall be eligible for compensation.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White and Willis.

-84

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hawk offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 154.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 175, the time to debate the bill, H. 154, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Smith, the Budget Isolation Resolution relating to the bill, H. 102, was adopted.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-74

Nay:

Representative Bandy.

- 1

And the bill:

H. 102. Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-80

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 187, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, White, Willis and Wren.

-69

And the bill:

H. 187. (With Substitute): To establish the "Alabama Aquatic Plant Control Act"; to prohibit the release, introduction, stocking, or placing of non-indigenous noxious aquatic plants into any public waters of the State of Alabama without a permit issued by the Department of Environmental Management pursuant to written rules and regulations of the Department of Environmental Management; to provide for certain exceptions; to provide for fines, notice of violations, confiscation, removal, or destruction of prohibited non-indigenous noxious aquatic plants, and the assessment of cost for the confiscation, removal, or destruction of the prohibited non-indigenous noxious aquatic plants; and to provide for cumulative and delayed effect of this act.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Agriculture, Forestry and Natural Resources, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish the Alabama Nonindigenous Aquatic Plant Control Act under the direction of the Alabama Department of Conservation and Natural Resources; to prohibit the introduction, placement, or the causing of the introduction or placement, of any nonindigenous aquatic plant into any public waters of the state; and to provide misdemeanor penalties for violation of the prohibitions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the "Alabama Nonindigenous Aquatic Plant Control Act."

Section 2. The following terms and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) **AQUATIC PLANT.** Any plant growing in, or closely associated with, the aquatic environment including, without limitation, floating, emersed, submersed, ditchbank and wetland plant species.

(2) **DEPARTMENT.** The Alabama Department of Conservation and Natural Resources.

(3) **NONINDIGENOUS AQUATIC PLANT.** Any aquatic plant which is not an indigenous or native aquatic plant species of the State of Alabama.

(4) **PERSON.** Any and all persons, natural or artificial, including, without limitation, any individual, partnership, association, society, joint stock company, firm, company, corporation, institution, trust, estate, or other legal or other business organization or any governmental entity, and any successor, representative, agent or agency of the foregoing.

(5) **PUBLIC WATERS OF THE STATE.** Those waters which are defined as public waters in Section 9-11-80, Code of Alabama 1975.

Section 3. Any person who introduces, places, or causes to be introduced or placed, any nonindigenous aquatic plant into any public waters of the state shall be in violation of this act. For purposes of this section, the unintentional adherence to a boat or boat trailer of a nonindigenous aquatic plant, and its subsequent unintentional transportation or dispersal in the course of common and ordinary boating activities and practices, does not constitute a violation of this act.

Section 4. Any person who possesses, through natural dispersion, an aquatic plant which is prohibited from being introduced or placed in a public water of the state pursuant to Section 3, and the possession poses neither danger or intent to further disperse the aquatic plant by means of transportation or other action, shall not be guilty of a violation of this act.

Section 5. The department shall establish, adopt, promulgate, modify, repeal, or suspend any rules, regulations, or standards as necessary for the proper administration, implementation and enforcement of this act. The rules, regulations, or standards shall include, without limitation, a list of all nonindigenous aquatic plants which are prohibited from being placed or introduced into public waters of the state pursuant to Section 3.

Section 6. Any person who violates this act, or any rule, regulation, or standard adopted pursuant to this act, shall be guilty of a Class C misdemeanor and shall be punished in accordance with Sections 13A-5-7 and 13A-5-12, Code of Alabama 1975.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. No section of this act shall be construed as repealing any other laws of the state but shall be held and construed as ancillary and supplemental thereto.

Section 9. This act shall become effective 90 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, White, Willis and Wren.

-72

And the bill:

H. 187. To establish the Alabama Nonindigenous Aquatic Plant Control Act under the direction of the Alabama Department of Conservation and Natural Resources; to prohibit the introduction, placement, or the causing of the introduction or placement, of any nonindigenous aquatic plant into any public waters of the state; and to provide misdemeanor penalties for violation of the prohibitions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 500. To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

TOMMY CARTER
Chairman

And the bill, H. 500, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 345. To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama, 1975, relating to retirement benefits of teachers and state employees, to remove the disability reduction factor for members of the Teachers' and Employees' Retirement Systems effective October 1, 1995; and to provide for the

payment of full earned benefits prospectively from that date.

TOMMY CARTER
Chairman

And the bill, H. 345, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 17. To amend Section 17-4-138 of the Code of Alabama 1975, to limit the collection of the \$.05 fee per name from the list of qualified electors to judges of probate who are compensated on the fee system; and to provide for an effective date.

TOMMY CARTER
Chairman

And the bill, H. 17, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 282, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Maull, McAdory, McDaniel, McMillan, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

And the bill:

H. 282. To repeal Act No. 516 of the 1931 Regular Session of the Legislature of Alabama (Acts of Alabama 1931, p. 628) as formerly codified by Section 597 of Title 62 of the Code of Alabama 1940, and as amended by Act No. 443 of the 1947 Regular Session of the Legislature of Alabama (Local Acts of Alabama 1947, p. 302).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-85

Nay:

Representative Boyd.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Boyd inadvertently voted "Nay" and intended to vote "Yea" on passage of the bill, H. 282.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 50. To amend Section 40-10-6, Code of Alabama 1975, to allow publication by the tax collector of notices of land sales for delinquent taxes to be placed in any newspaper or newspapers published in the county.

TOMMY CARTER
Chairman

And the bill, H. 50, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Crigler, the Budget Isolation Resolution relating to the bill, H. 310, was adopted.

Yeas 74; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-74

Nay:

Representatives Boyd and Kennedy.

- 2

And the bill:

H. 310. To provide that a certificate of analysis prepared by certain persons could be submitted, and recorded in evidence in lieu of the testimony of the person at a hearing in criminal proceedings and in certain civil proceedings, provide for the contents of the certificate of analysis, provide the procedure for the submission of the certificate of analysis, and provide for exceptions.

was taken up.

SUBSTITUTE OFFERED

Representative Crigler offered the following substitute to the bill, H. 310:

**A BILL
TO BE ENTITLED
AN ACT**

To provide that a certificate of analysis prepared by certain persons could be submitted, and recorded in evidence in lieu of the testimony of the person at a hearing in criminal proceedings and in certain civil proceedings; provide for the contents of the certificate of analysis; provide the procedure for the submission of the certificate of analysis; and provide for exceptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) In any criminal case, or juvenile or family court case which is of a criminal nature, in lieu of direct testimony, the court shall receive as evidence a certificate of analysis from any of the following persons:

- (1) A person performing an analysis or examination in any laboratory operated by the Alabama Department of Forensic Sciences or authorized by the department to conduct an analysis or examination of the type performed.
- (2) A person performing an analysis or examination in any criminalistics laboratory established pursuant to federal law.
- (b) To be admissible pursuant to this section, a certificate of analysis shall contain all of the following:
 - (1) The date and time the evidence was delivered to the facility.
 - (2) The name of the person making the delivery, and the name of the person receiving the delivery.
 - (3) A brief description of the evidence.
 - (4) The type of examination or analysis requested.
 - (5) The name of the person making the examination or analysis.
 - (6) The date or dates of the examination or analysis.
 - (7) The results of the examination or analysis.

The certificate of analysis shall give the name and address of the facility in which the examination or analysis was made, and it shall be signed by and sworn to as true and correct, under penalty of law, by the person making the examination or analysis.

Section 2. The party seeking to introduce a certificate of analysis shall not less than 40 days prior to the commencement of the hearing or trial, give written notice to all parties of intent to offer proof by a certificate of analysis. The notice shall include a copy of the certificate of analysis.

Section 3. (a) The party against whom the certificate is offered may request, not later than 30 days prior to the commencement of the hearing or trial, a hearing to show cause why a subpoena should be issued for cross-examination of the person who performed the examination or analysis.

(b) The party requesting the subpoena shall have the burden of showing why the subpoena should be issued. The request shall be in writing and shall contain a certification that the requesting party intends in good faith to conduct the cross-examination. The request shall also include a statement of the basis upon which the requesting party intends to challenge the findings contained in the certificate of analysis. The court shall grant the request for subpoena only for good cause shown. Good cause shall not include a challenge to the findings contained in the certificate of analysis, unless the requesting party first establishes a legitimate basis for the challenge. If the request for subpoena is granted, and the requesting party subsequently fails to conduct the cross-examination previously certified to, the court shall assess against the requesting party, all necessary and reasonable expenses incurred for the attendance in court of the certifying witness.

Section 4. This act shall not apply where the defendant is charged with an offense punishable by death, nor shall this act apply to the offenses enumerated in Chapter 6 of Title 13A of the Code of Alabama 1975.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Crigler offered the following amendment to the bill, H. 310, as amended:

On page 2, lines 9, 10, 11, and 12, delete the language "Section 1. (a) In any criminal case, or juvenile or family court case which is of a criminal nature, in lieu of direct testimony, the court shall receive as evidence a certificate of analysis from any of the following persons:" and insert in lieu thereof the following:

Section 1. (a) In any criminal case, or juvenile or family court case which is of a criminal nature, the prosecuting authority may offer a certificate of analysis as described below, in lieu of direct testimony. The court shall receive as evidence the certificate of analysis from any of the following:

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-76

And the bill:

H. 310. To provide that a certificate of analysis prepared by certain persons could be submitted, and recorded in evidence in lieu of the testimony of the person at a hearing in criminal proceedings and in certain civil proceedings; provide for the contents of the certificate of analysis; provide the procedure for the submission of the certificate of analysis; and provide for exceptions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Gaston, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-67

BUDGET ISOLATION RESOLUTION OFFERED

Representative Sims offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 420.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 175, the time to debate the bill, H. 420, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, H. 379, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-78

And the bill:

H. 379. To amend Section 9-11-237 of the Code of Alabama 1975, relating to the sale and purchase of game birds and animals and the meat or other product thereof, to provide that venison, other than venison from a white-tailed deer, may be sold in the state under certain conditions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McKee, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-80

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 379:

Representatives Allen, Carter, Crigler, Curry, Drake, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Hill, Hogan, Hooper, Houston, Johnson (E), Knight (A), McAdory, McKee, Mitchell, Morrison, Morton, Petelos, Rogers (M), Seibenhener, Smith, Starkey, Thomas (D), Turner and Vance.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Perdue, the Budget Isolation Resolution relating to the bill, H. 160, was adopted.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-85

Nay:

Representative Hall (A).

- 1

And the bill:

H. 160. To amend Section 41-16-52 of the Code of Alabama 1975, to increase the amount of certain expenditures for repair, repair parts, or lease of heavy duty off-highway construction equipment and all vehicles with a gross vehicle weight rating of 25,000 pounds or greater that may be made without the requirement of competitive bids being taken.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird,

Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Willis and Wren.

-84

Nay:

Representatives Guin, Hall (A), Hogan, Morrow and Payne.

- 5

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 187. To establish the Alabama Nonindigenous Aquatic Plant Control Act under the direction of the Alabama Department of Conservation and Natural Resources; to prohibit the introduction, placement, or the causing of the introduction or placement, of any nonindigenous aquatic plant into any public waters of the state; and to provide misdemeanor penalties for violation of the prohibitions.

TOMMY CARTER
Chairman

And the bill, H. 187, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 388. To amend Section 36-30-1 of the Code of Alabama 1975; to provide that if a peace officer or firefighter is killed while engaged in the performance of his or her duties and there are no dependents or partial dependents,

then his or her mother or father shall be eligible for compensation.

TOMMY CARTER
Chairman

And the bill, H. 388, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 20, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-91

And the bill:

H. 20. To amend Section 32-6-350 of the Code of Alabama 1975, relating to distinctive license tags for certain veterans, to provide that the local veterans affairs officer in the county in which application is made to certify eligibility of a Vietnam Veteran for the tag.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Venable, White, Willis and Wren.

-84

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 20:

Representatives Allen, Baker, Bandy, Black (M), Box, Burke, Carns, Carothers, Carter, Clark (J), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McKee, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Petelos, Robinson, Rogers (J), Sanderford, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Vance, Venable, White, Willis and Wren.

MOTION TO RECESS LOST

The motion offered by Representative Knight (A) that the House recess until 1:00 o'clock p.m. was lost.

Yeas 26; Nays 60.

Yea:

Representatives Clouse, Curry, Gaines, Guin, Hall (A), Haney, Hawk, Hill, Holmes, Hooper, Knight (A), Maull, McDaniel, McMillan, Moore, Morrison, Page, Papucci, Petelos, Robinson, Sanderford, Sanderson, Seibenhener, Thomas (D), Turner and White.

-26

Nay:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Dolbare, Dukes, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McKee, Melton, Mitchell, Morrow, Morton, Newton (D), Parker (P), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable, Warren, Willis and Wren.

-60

MOTION TO ADJOURN LOST

The motion offered by Representative Buskey that the House adjourn until 1:00 o'clock p.m., Tuesday, May 23, 1995, was lost.

Yeas 19; Nays 65.

Yea:

Representatives Bandy, Black (M), Buskey, Clark (W), Drake, Graham, Holmes, Houston, Johnson (E), Kennedy, Lindsey, McAdory, Minnifield, Newton (C), Newton (D), Perdue, Rogers (J), Spratt and Starkey.

-19

Nay:

Representatives Baker, Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-65

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Johnson (R) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 190.

MOTION TO ADJOURN LOST

The motion offered by Representative Parker (P) that the House adjourn when the hour of 1:15 o'clock p.m. arrives was lost.

Yeas 40; Nays 40.

Yea:

Representatives Black (L), Black (M), Boyd, Buskey, Carns, Clouse, Crigler, Dolbare, Drake, Dukes, Gaston, Hall (A), Hawkins, Hayden, Hilliard, Holmes, Hooper, Houston, Jackson, Jorgensen, Laird, Lindsey, Maull, McAdory, Melton, Minnifield, Moore, Morrow, Parker (P), Parker (T), Payne, Penry, Robinson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Turner and Willis.

-40

Nay:

Representatives Allen, Box, Carothers, Carter, Collins, Curry, Flowers, Gaines, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Johnson (R), Knight (A), Layson, Letson, McDaniel, McKee, McMillan, Millican, Morton, Newton (C), Page, Papucci, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Turnham, Vance, Venable, White and Wren.

-40

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the motion offered by Representative Johnson (R) to adopt the Budget Isolation Resolution relating to the bill, H. 190, and the Budget Isolation Resolution was adopted.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-74

Nay:

Representative Clark (W).

- 1

And the bill:

H. 190. (With Amendment): To amend Sections 11-53A-1, 11-53A-2, 11-67-20, 11-67-21, 11-67-23, 11-67-25, and 11-67-26 of the Code of Alabama 1975, to provide that Class 6 municipalities may demolish unsafe buildings and structures and may provide for the abatement of weeds within the municipality.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. 190 on Page 1, line 12, after the number "6" by inserting the following: or Class 8

Further amend H. 190 on page 1, line 22, after the number "6" by inserting the following: or Class 8

Further amend H. 190 on page 2, lines 6 and 15, after the number "6" by inserting the following: or Class 8

Further amend H. 190 on page 3, line 26, after the number "6" by inserting the following: or Class 8

Further amend H. 190 on page 4, lines 3, 8, and 13, after the number "6" by inserting the following: or Class 8

Further amend H. 190 on page 7, line 21, after the number "6" by inserting the following: or Class 8

Further amend H. 190 on page 8, line 13, after the number "6" by inserting the following: or Class 8

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaston, Graham, Guin, Hall (A), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-75

And the bill:

H. 190. To amend Sections 11-53A-1, 11-53A-2, 11-67-20, 11-67-21, 11-67-23, 11-67-25, and 11-67-26 of the Code of Alabama 1975, to provide that Class 6 or Class 8 municipalities may demolish unsafe buildings and structures and may provide for the abatement of weeds within the municipality.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-85

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the hour of 12:30 o'clock p.m. arrives, the House adjourns until 1:00 o'clock p.m., Tuesday, May 23, 1995, and the motion to adjourn was adopted.

Yeas 55; Nays 28.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Clark (W), Crigler, Dolbare, Drake, Dukes, Galliher, Gipson, Graham, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Kennedy, Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance and Willis.

-55

Nay:

Representatives Box, Carothers, Carter, Clouse, Curry, Dean, Flowers, Ford, Guin, Hall (A), Hawk, Hinshaw, Hooper, Johnson (R), Knight (A), McDaniel, McKee, McMillan, Moore, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Smith, Venable and White.

-28

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 46, was adopted.

Yeas 73; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dolbare, Drake, Flowers, Ford, Gaines, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

-73

Nay:

Representative Box.

And the bill:

H. 46. To repeal Section 8 of Act No. 94-322, S. 282, 1994 Regular Session, now appearing as Section 3-8-1, Code of Alabama 1975, which provides that it is illegal to own, maintain, sell, or trade any canidae or felidae for which there is no USDA licensed rabies vaccine.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, White, Willis and Wren.

-80

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, H. 315, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable, White, Willis and Wren.

-80

And the bill:

H. 315. To amend Sections 16-49-20 and 16-49-26 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University Board of Trustees; to provide further for the membership; to redefine the time, frequency, and manner of convening of the board; and to provide for the replacement of members of the board.

was taken up.

AMENDMENT OFFERED

Representative Hall (L) offered the following amendment to the bill, H. 315:

On page 3, line 24, after the word "regular", delete the word "annual"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable and Willis.

-81

And the bill:

H. 315. To amend Sections 16-49-20 and 16-49-26 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University Board of Trustees; to provide further for the membership; to redefine the time, frequency, and manner of convening of the board; and to provide for the replacement of members of the board.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable, White, Willis and Wren.

-84

BUDGET ISOLATION RESOLUTION OFFERED

Representative Box offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 152.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 175, the time to debate the bill, H. 152, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 299, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith,

Spratt, Thomas (D), Townsend, Vance, Venable and Willis.

-76

And the bill:

H. 299. To enact the Alabama Prescribed Burning Act; to provide legislative findings and purposes regarding prescribed burning as a land management tool; to provide for the rule making authority of the Alabama Forestry Commission; to provide certain requirements necessary for the conduct of prescribed burning; and to provide that a property owner conducting a prescribed burn pursuant to the requirements shall not be liable for damage caused by the fire unless negligence is proven.

was taken up.

AMENDMENT OFFERED

Representative Layson offered the following amendment to the bill, H. 299:

Amend House Bill 299 on page 5, line 13 by deleting the period and adding the following: "; however the expenditure of any fees charged by the Forestry Commission under this subsection shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama, 1975."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

-84

And the bill:

H. 299. To enact the Alabama Prescribed Burning Act; to provide legislative findings and purposes regarding prescribed burning as a land management tool; to provide for the rule making authority of the Alabama Forestry Commission; to provide certain requirements necessary for the conduct of prescribed burning; and to provide that a property owner conducting a prescribed burn pursuant to the requirements shall not be liable for damage caused by the fire unless negligence is proven.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McDaniel, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable and Willis.

-72

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 339, was adopted.

Yeas 41; Nays 7.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carter, Clark (W), Clouse, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Haney, Hawkins, Hill, Hinshaw, Jackson, Johnson (E), Knight (A), Lindsey, McKee, Moore, Morrison, Morrow, Morton, Newton (D), Page, Papucci, Pringle, Rogers (M), Sanderson, Starkey, Thomas (D), Townsend, White, Willis and Wren.

-41

Nay:

Representatives Galliher, Graham, Guin, Hall (L), McAdory, Payne and Smith.

- 7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 339. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the State Economic Opportunity Office.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 175, the time to debate the bill, H. 339, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 356, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M),

Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-81

And the bill:

H. 356. To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable and White.

-80

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 315. To amend Sections 16-49-20 and 16-49-26 of the Code of Alabama 1975, relating to the Alabama Agricultural and Mechanical University Board of Trustees; to provide further for the membership; to redefine the time, frequency, and manner of convening of the board; and to provide for the replacement of members of the board.

TOMMY CARTER
Chairman

And the bill, H. 315, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 373, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, White and Willis.

-81

And the bill:

H. 373. (With Amendment): To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Insurance, said committee amendment being as follows:

Amend H. 373 on Page 11, by striking Section 2 in its entirety and renumbering the remaining section.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Townsend, Turner, Vance and Willis.

-69

And the bill:

H. 373. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, White and Wren.

-77

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hilliard intended to vote "Yea" on passage of the bill, H. 373.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 481, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Vance, Venable, White and Wren.

-83

And the bill:

H. 481. (With Amendment): Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 481 on Page 9, Section 13, line 7 by adding after the word "Authority." the following: The Alabama Forestry Commission shall have the authority to conduct real property sales without going through the Lands Division of the State Department of Conservation and Natural Resources. The Alabama Forestry Commission shall comply with all other provisions of this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, White, Willis and Wren.

-83

And the bill:

H. 481. Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of

property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Vance, Venable, White, Willis and Wren.

-86

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 94, was adopted.

Yeas 64; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Vance and Willis.

-64

Nay:

Representatives Maull, McKee and Townsend.

- 3

And the bill:

H. 94. (With Substitute) (With Amendment): To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-1-7, Code of Alabama 1975, is amended to read as follows:

"§17-1-7.

"(a)(1) No person in the employment of any city, whether classified or unclassified, shall be denied the right to participate in city, county, and or state political activities to the same extent as any other citizen of the state of Alabama, including endorsing candidates and contributing to campaigns of his or her choosing.

"(2) No person in the employment of any county, whether classified or unclassified, shall be denied the right to participate in city, county, and or state political activities to the same extent as any other citizen of the state of Alabama, including endorsing candidates and contributing to campaigns of his or her choosing.

"(3) No person in the employment of the state of Alabama, whether classified or unclassified, shall be denied the right to participate in city, county, or state political activities to the same extent as any other citizen of the state of Alabama, including endorsing candidates and contributing to campaigns of his or her choosing, ~~provided, however,~~ Notwithstanding the foregoing, any person within the classified service ~~must~~ shall comply with section 36-26-38.

"(4) All persons in the employment of any city, county₁ or state shall have the right to join local political clubs and organizations, and state or national political parties.

"(5) All persons in the employment of any city, county₁ or state shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and contribute freely to those of his or her choosing.

"(b) No person shall attempt to use his or her official authority or position for the purpose of influencing the vote or political action of any person. Any person who violates this subsection (b) shall be guilty of a felony and punishable by a fine not to exceed ten thousand dollars (\$10,000) ~~\$10,000.00~~ or imprisonment in the state penitentiary for a period not to exceed two years, or both.

"(c) No person in the employment of the state of Alabama, a county, or a city whether classified or unclassified, shall use any state, county, or city funds, property or time, for any political activities. Any person who is in the employment of the state of Alabama ~~must, a county, or a city~~ shall be on approved leave to engage in ~~such~~ political action or ~~such~~ the person must shall be on personal time before or after work and on holidays. It shall be unlawful for any officer or employee to solicit any type of political campaign contributions from other employees who work for ~~said~~ the officer or employee in a subordinate capacity. It shall also be unlawful for any officer or employee to coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause. Any person who violates ~~the provisions of~~ this section shall be guilty of the crime of trading in public office and upon conviction thereof, shall be fined or sentenced, or both, as provided by section 13A-10-63.

"(d) Notwithstanding subsection (c), any employee of a county or a city, whether in the classified or unclassified service, who qualifies to seek a political office with the governmental entity with which he or she is employed, shall be required to take an unpaid leave of absence from his or her employment, or use accrued overtime leave, or use accrued vacation time with the county or city from the date he or she qualifies to run for office until the date on which the election results are certified or the employee is no longer a candidate or there are no other candidates on the ballot, unless an exception is granted by the employing authority. For purposes of this subsection, the term "employing authority" means the county commission for county employees or the city council for city employees. Any employee who violates this subsection shall forfeit his or her employment position.

"(e) When off duty, out of uniform, and acting as a private citizen, no law enforcement officer, firefighter, or peace officer shall be prohibited from engaging in city, county, or state political activity or denied the right to refrain from engaging in political activity so long as there is compliance with this section."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Vance, Venable and Willis.

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The question was then on the adoption of the amendment reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend H. 94 on Page 4, subsection (d), line 18 after the word "ballot" by striking the comma and inserting a period and striking the following language:
~~unless an exception is granted by the employing authority~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Lindsey, McAdory, McKee, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Vance, Venable and Willis.

-67

Nay:

Representatives Dukes, Houston and Laird.

- 3

And the bill:

H. 94. To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Jorgensen, Kennedy, Knight (A), Lindsey, Maull, McAdory, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Venable, White and Willis.

-68

Nay:

Representatives Dolbare, Dukes, Houston, Newton (D) and Townsend.

- 5

RESOLUTION

The following resolution was introduced:

By Representative Allen:

H.R. 176. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. 586.

The resolution, H.R. 176, was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 94. To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

TOMMY CARTER
Chairman

And the bill, H. 94, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 190. To amend Sections 11-53A-1, 11-53A-2, 11-67-20, 11-67-21, 11-67-23, 11-67-25, and 11-67-26 of the Code of Alabama 1975, to provide that Class 6 or Class 8 municipalities may demolish unsafe buildings and structures and may provide for the abatement of weeds within the municipality.

TOMMY CARTER
Chairman

And the bill, H. 190, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 299. To enact the Alabama Prescribed Burning Act; to provide legislative findings and purposes regarding prescribed burning as a land management tool; to provide for the rule making authority of the Alabama Forestry Commission; to provide certain requirements necessary for the conduct of prescribed burning; and to provide that a property owner conducting a prescribed burn pursuant to the requirements shall not be liable for damage caused by the fire unless negligence is proven.

TOMMY CARTER
Chairman

And the bill, H. 299, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 310. To provide that a certificate of analysis prepared by certain persons could be submitted, and recorded in evidence in lieu of the testimony of the person at a hearing in criminal proceedings and in certain civil proceedings; provide for the contents of the certificate of analysis; provide the procedure for the submission of the certificate of analysis; and provide for exceptions.

TOMMY CARTER
Chairman

And the bill, H. 310, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 373. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete

certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

TOMMY CARTER
Chairman

And the bill, H. 373, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 481. Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 481, as engrossed, was ordered sent to the Senate.

ADJOURNMENT

The hour of 12:30 o'clock p.m. having arrived and pursuant to the motion previously offered by Representative Hammett, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, May 23, 1995.

TENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, May 23, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Thomas Jackson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rich Vest, 11th Grade and Matt Vest, 9th Grade, Home School, Odenville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the ninth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, May 25, 1995, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 83. URGING CONGRESS TO MODIFY THE FOOD STAMP PROGRAM IN ORDER TO ALLOW UP TO 25 PERCENT OF FOOD STAMPS TO BE ISSUED AS VOUCHERS WHICH COULD BE USED FOR CLOTHING AND PERSONAL ITEMS.

WHEREAS, the purpose of the food stamp program is to safeguard the health and well-being of the nation's population by raising levels of nutrition among low-income households, but the long-term goal of this program is to provide public assistance only until the recipient can obtain employment and become a self-sufficient member of society; and

WHEREAS, this goal is only partially achieved under the present food stamp program; making a good impression on prospective employers is of paramount importance and many food stamp recipients do not have the necessary clothing and personal items to make a favorable impression; and

WHEREAS, with approval of the Secretary of Agriculture, any state has the option of implementing an electronic benefits transfer system in which the benefits information of each food stamp recipient is stored in a central data base and accessed at the point-of-sale through a debit card issued to the food stamp recipient; Arkansas, Illinois, Missouri, Ohio, and Wisconsin have already implemented this system; and

WHEREAS, the electronic benefits transfer system is an efficient, cost effective means of monitoring a food stamp recipient's benefits so that the recipient may choose to use a maximum of 25 percent of the benefits for food and personal items; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the U.S. Congress to modify the food stamp program in order to allow up to 25 percent of a recipient's food stamp allotment to be used to purchase such clothing and personal items as may be approved by the U.S. Department of Agriculture and the U.S. Department of Health and Human Resources.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of Alabama's Congressional Delegation in Washington, D.C.

On motion of Representative Carter, the resolution, H.J.R. 83, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

H.R. 176. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. 586.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following important constitutional questions which have arisen concerning the pending H. 586, a copy of which is attached to this resolution and made a part hereof by reference, which pertains to the creation of the Alabama Incentives Financing Authority (the "Authority"), the appropriation to it of certain funds, and the grant to it of the power to finance certain industrial, research, and training facilities under certain circumstances:

(1) Do the provisions of Section 11 of H. 586 that constitute a continuing withdrawal and appropriation to the Authority of a portion of the interest on investments held in the Alabama Trust Fund (the "Appropriated Funds") violate the provisions of Section 5(a) of Amendment No. 450 to the Constitution of Alabama of 1901, as amended?

(2) Do the provisions of Section 11 and Section 8(d) of H. 586, which, taken together, appropriate the Appropriated Funds to the Authority from the Alabama Trust Fund and authorize the Authority to pledge the Appropriated Funds for payment of its obligations, violate Section 213 of the Constitution of Alabama of 1901, as amended?

(3) Do the provisions of Section 12(a)(3) of H. 586, which, taken together with Sections 8(a), 8(d), and 11(a) of H. 586, authorize the financing by the Authority, through the issuance of bonds secured by a pledge of the Appropriated Funds, of industrial or research facilities that may be leased to a private entity (with an option granted to the entity to purchase at fair market value), violate the provisions of Section 93 of the Constitution of Alabama of 1901, as amended?

(4) Do the provisions of Section 12(d) of H. 586, which, taken together with Sections 8(a), 8(d), and 11(a) of H. 586, authorize the financing by the Authority, through the issuance of bonds secured by a pledge of the Appropriated Funds, of industrial or research facilities to be owned by a private entity but with limitations upon the disposition of the financed facilities, violate Section 93 of the Constitution of Alabama of 1901, as amended?

(5) Do the provisions of Section 12(e) of H. 586, which, taken together with Sections 8(a), 8(d), and 11(a) of H. 586, authorize the financing by the Authority, through the issuance of bonds secured by a pledge of the Appropriated Funds, of a training facility to be operated and managed by a private entity (with an option granted to the entity to purchase at fair market value) and of management fees to be paid to the entity, violate Section 93 of the Constitution of Alabama of 1901, as amended?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send nine true copies of the pending bill, H. 586, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

The question was then on the adoption of the amendment reported by the Standing Committee on Rules, said committee amendment being as follows:

Amend House Resolution 176 on page 2, line 18, after the figure 12 by striking ~~(d)~~ and inserting in lieu thereof (a)(4)

And on page 3, line 1, after the figure 12, by striking ~~(e)~~ and inserting in lieu thereof (a)(5)

AMENDMENT ADOPTED

And the amendment was adopted.

On motion of Representative Carter, the resolution, H.R. 176, as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 256. To repeal Sections 16-8-10 and 16-11-18, and 16-9-15, Code of Alabama, 1975, pertaining to written policies for teachers for city and county boards of education and to replace the statutes with this act so as to require written input by education support personnel as well as teachers when policies are adopted affecting such employees; to require the input by the employees to be in writing; to establish other regulations relating to written policies for public school personnel; to establish definitions; and to provide an effective date.

McDOWELL LEE
Secretary

BILLS ON SECOND READING

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 567. (With Amendment): Relating to the operation of motor vehicles; requiring, as a condition of registration and licensing a motor vehicle, and applying for a driver's license, proof of a motor vehicle liability insurance policy, in force, from an approved insurance company, or certain other financial responsibility; setting the minimum limits and policy coverage; providing penalties for violations; providing for an assigned risk plan for persons classified as high risks; providing for an effective date; and providing for certain exceptions.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 564. Relating to Pike County; fixing the fee for an issuance of a pistol permit by the sheriff and providing for the disposition and use of the proceeds; and repealing Act No. 80-112, H. 567 of the 1980 Regular Session (Acts 1980, p. 164).

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 466. (With Amendments): To establish an accountability plan which shall be overseen by the state board of education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be offered at all grade levels; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to assist local boards of education who have a majority of their schools in which a majority of their students are scoring at one grade level or more below the national norms. This bill provides for state intervention of a school or a local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to require the state superintendent of education to develop a plan to reduce the paperwork required to be completed by classroom teachers.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 467. To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 468. (With Amendments): To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23,

16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 469. (With Substitute): To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 470. To provide for immunity for teachers to use corporal punishment or otherwise maintain order when exercising such authority within his or her local board of education's policy; to require the local board of education to legally defend such teacher against civil charges; to further provide for warrants of arrest to be issued by the local board of education or its employees against a perpetrator when a teacher is assaulted; to exempt teachers from application of Title 25 Code of Alabama regarding child abuse when exercising corporal punishment or maintaining order within the local board of education's policy.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 471. (With Amendment): To require that funding for benefits provided under the Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend Sections

16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

H. 445. (With Amendment): Proposing an amendment to the Constitution of Alabama of 1901, to authorize the levy of a minimum local ad valorem tax for school purposes in each local school system in the state and to provide the procedure to further increase local ad valorem taxes in local school systems; to allow the repeal of taxes, except ad valorem taxes in effect on January 1, 1995, that are earmarked for education after the 2010-2011 fiscal year; to provide that all school taxes levied pursuant to the constitution shall be disregarded in determining whether ad valorem taxes levied with respect to any property in the state exceed the limitation imposed by paragraph (i) of Amendment 373; to propose an amendment to Section 217, as amended by Amendment 373 of the Constitution of Alabama of 1901, to provide for the assessment of property in three classifications for ad valorem tax purposes and to change in the assessment ratio of property of utilities and residential rental property for ad valorem tax purposes; to provide a procedure by which there would not be a loss of ad valorem tax revenue as a result of reclassifying public utility and residential rental property and through which the state, county, and local governments would be guaranteed ad valorem tax revenues from public utility and residential rental property that are at least equal to the ad valorem tax revenues that would have otherwise been collected on such property under the law in effect on October 1, 1994; and to provide further for homestead and other exemptions.

The above bill was read a second time at length as required by the Constitution.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 385. (With Substitute): To amend Section 40-21-1, Code of Alabama 1975, to delete navigation companies from the definition of public utility.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 256. To repeal Sections 16-8-10 and 16-11-18, and 16-9-15, Code of Alabama, 1975, pertaining to written policies for teachers for city and county boards of education and to replace the statutes with this act so as to require written input by education support personnel as well as teachers when policies are

adopted affecting such employees; to require the input by the employees to be in writing; to establish other regulations relating to written policies for public school personnel; to establish definitions; and to provide an effective date.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 89. To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority may not issue additional bonds after December 31, 1995.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Newton (D):

H. 601. To authorize certain municipalities to employ police officers and firefighters without certification by any applicable civil service system or merit system.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Spratt, Houston, Hilliard, Johnson (E), McAdory, Minnifield, Rogers (J), and Petelos (With Notice and Proof):

H. 602. Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from four single-member districts with the chair elected from a fifth district extending throughout the city; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 602, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Ford and Galliher (With Notice and Proof):

H. 603. To propose an amendment to the Constitution of Alabama of 1901, for Etowah County, providing further for license taxes on certain real estate operations and transactions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 603, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Reed:

H. 604. Relating to operators of horse and greyhound racetracks; to authorize televised simulcast programming of racing events; to authorize operators to conduct pari-mutuel wagering on televised racing events; to allow participation in pari-mutuel pools; to provide rules for takeouts from pari-mutuel pools; to increase hours of operation for racetracks; and to repeal Section 11-65-32, Code of Alabama 1975.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Hinshaw:

H. 605. To establish a Governor's-Legislators' Gaming Oversight Commission and a share-lottery administered by the Alabama Veterans Foundation and provide for its powers and duties; to provide for the disposition of the share-lottery proceeds; and to prescribe penalties for certain violations.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Turner (With Notice and Proof):

H. 606. Relating to certain personnel in the Sheriff's Office of Mobile County; reclassifying the positions of chief deputy, chief clerk, assistant chief deputy, chief investigator, chief-youth aid division, administrative assistant, and secretary; and further providing for compensation of the personnel; expressly repealing the following acts: Act No. 517, S. 297 of the 1967 Regular Session (Acts 1967, p. 1241); (relating to assistant chief deputy sheriff); Act No. 650, H. 366 of the 1975 Regular Session (Acts 1975, p. 1407); Act No. 1058, H. 356 of the 1975 Regular Session (Acts 1975, p. 2120); and Act No. 80-612, H 1144 of the 1980 Regular Session (Acts 1980, p. 1043); all of which acts relate to various personnel and compensation of the Sheriff's office; and providing that Act No. 94-208, H. 595 of the 1994 Regular Session (Acts 1994, p. 278), relating to compensation of deputy sheriffs, shall be construed together with this act.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 606, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner (With Notice and Proof):

H. 607. Relating to certain personnel in the Sheriff's Office of Mobile County; reclassifying the positions of chief deputy, chief clerk, assistant chief deputy, chief investigator, chief-youth aid division, administrative assistant, and secretary; and further providing for compensation of the personnel; expressly repealing the following acts: Act No. 517, S. 297 of the 1967 Regular Session (Acts 1967, p. 1241); (relating to assistant chief deputy sheriff); Act No. 650, H. 366 of the 1975 Regular Session (Acts 1975, p. 1407); Act No. 1058, H. 356 of the 1975 Regular Session (Acts 1975, p. 2120); and Act No. 80-612, H 1144 of the 1980 Regular Session (Acts 1980, p. 1043); all of which acts relate to various personnel and compensation of the Sheriff's office; and providing that Act No. 94-208, H. 595 of the 1994 Regular Session (Acts 1994, p. 278), relating to compensation of deputy sheriffs, shall be construed together with this act.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 607, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Curry:

H. 608. Relating to the surface mining of minerals by amending Sections 9-16-2, 9-16-5, 9-16-7, 9-16-8, and 9-16-12 of the Code of Alabama 1975, to modify the definition of operator and to include new definitions; to authorize the Department of Industrial Relations to require certain information from applicants seeking permits to engage in surface mining operations; to increase the cost of a permit for a surface mining operation by a certain additional acreage fee; to prescribe criteria for denying permits; to modify requirements for grading and revegetating lands after mining; to increase the performance bonds required of operators; to authorize qualified reclamation inspectors to make inspections for bond releases; and to place certain fees, civil monetary penalties, and certain appropriations by the Legislature in a special revenue trust fund in the state treasury to be known as the Alabama Non-Fuel Minerals Surface Mining Fund that shall be available to the Department of Industrial Relations.

COMMITTEE ON WAYS AND MEANS

By Representative Graham:

H. 609. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

COMMITTEE ON EDUCATION

By Representatives Hall (A), Ford, Galliher, Papucci, Hinshaw, Robinson, Rogers (J), Dean, Jorgensen, Turner, Morrow, Payne, and Hogan:

H. 610. To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

COMMITTEE ON STATE ADMINISTRATION

By Representative Melton:

H. 611. To provide for the Alabama Mental Health Consumers' Rights Act.

COMMITTEE ON STATE ADMINISTRATION

By Representative Boyd (With Notice and Proof):

H. 612. Relating to Calhoun County; to authorize any city in the county and the county commission to declare noxious or dangerous weeds growing upon the streets, roads, or sidewalks, or upon private property within the city or county, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned or unsafe construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon the streets, roads, or sidewalks or upon which the nuisance exists for the cost of abatement.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 612, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Venable (With Notice and Proof):

H. 613. Relating to Elmore County; amending Act No. 481, H. 1136, 1977 Regular Session, as amended, to provide further for the compensation of the county superintendent of education.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 613, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Dean, Gaston, Haney, McMillan, Wren, and McKee:

H. 614. To amend Section 41-19-3, Code of Alabama 1975, relating to the Budget Management Act, to change the date that the Governor is required to present the long-range revenue and expenditure plan to the Legislature.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Jackson and Dolbare:

H. 615. To exempt the Thomasville Civic Center Foundation from the payment of all state, county, and municipal sales and use taxes.

WHEREAS, the Thomasville Civic Center Foundation is a noteworthy charitable organization whose civic contributions to the state, county, and Thomasville area are too numerous to list; and

WHEREAS, even in these times of financial hardship, the Thomasville Civic Center Foundation justly deserves to be exempt from the state, county, and municipal sales and use taxes; now therefore,

COMMITTEE ON WAYS AND MEANS

By Representative Hill:

H. 616. To establish the Alabama Residential Energy Code Board for the purpose of promoting and overseeing the implementation of the Model Energy Code and advising the Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs on matters relating to the Model Energy Code; to provide for the method of appointment of members to the board and their purposes, functions, duties, and activities; and to provide for the mandatory implementation of and adherence to the Model Energy Code if a unit of local government so chooses to adopt it in whole or in part.

COMMITTEE ON BANKING

By Representative Turner (With Notice and Proof):

H. 617. To provide that it would be a crime for a person to possess or conceal a firearm within 1000 feet of a public school zone or on a school campus; to provide definitions; to provide exemptions; to provide for posting of notices; and to provide penalties.

COMMITTEE ON JUDICIARY

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 617, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Minnifield and Johnson (E):

H. 618. Relating to public records; to provide for the imposition of civil penalties against a public officer, public employer, or public employee denying a citizen a copy or copies of public records.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Clouse, Seibenhener, Baker, and Carothers (With Notice and Proof):

H. 619. Relating to Houston County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 619, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hawk, Fuller, Hall (L), Gipson, Sanderson, Mitchell, Melton, Dukes, and Jackson:

H. 620. Relating to cigarettes; to amend Sections 40-25-2 and 40-25-23, Code of Alabama 1975; to increase cigarette tax; and to provide that any new funds generated by the tax shall be distributed to the Juvenile Justice School Safety Trust Fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawk, Fuller, Hall (L), Gipson, Knight (A), Jorgensen, Melton, Mitchell, Dukes, McDaniel, Jackson, and Box:

H. 621. Relating to the Children First Program; to establish the Juvenile Justice and School Safety Trust Fund within the State Treasury; to provide for the management and administration of the fund by the Alabama Juvenile Justice Coordinating Council; to make an allocation to the Department of Youth Services, the State Board of Education, the Administrative Office of Courts, the State Multiple Needs Children's Fund, and the Children's Trust Fund for intensive child and family care programs.

COMMITTEE ON WAYS AND MEANS

By Representative Flowers:

H. 622. Relating to insurance, to provide further for the regulation of insurance: By amending the standard valuation law, set forth in Section 27-36-7, Code of Alabama 1975, which sets forth the minimum requirements for the valuation of the reserves of life insurers so as to make it substantially similar to the latest version of the model standard valuation law as adopted by the National Association of Insurance Commissioners; by requiring every domestic insurer to file a report with the commissioner disclosing material acquisitions and dispositions of assets and material nonrenewals, cancellations, or revisions of

ceded reinsurance agreements, not already required to be submitted to the commissioner, for review, approval, or information purposes pursuant to other insurance laws, regulations, or other requirements; and by setting forth a risk-based capital requirement based on the Risk-Based Capital for Insurers Model Act adopted by the National Association of Insurance Commissioners.

COMMITTEE ON INSURANCE

By Representative Wren:

H. 623. Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams.

COMMITTEE ON HEALTH

By Representatives Johnson (E), Carns, Townsend, Allen, Papucci, Hinshaw, Haney, Burke, Lindsey, Murphree, Graham, Dukes, McDaniel, Minnifield, Petelos, Hill, Gipson, Galliher, Starkey, Perdue, Rogers (J), McAdory, Morrison, Houston, Sanderson, Hawkins, Carter, Hammett, Kennedy, Clark (W), Dean, Gaston, Pringle, McMillan, Vance, Jackson, Hayden, Black (L), Laird, Johnson (R), Baker, Millican, Carothers, Clouse, Seibenhener, McKee, Holmes, Knight (J), McClammy, Wren, Sims, Willis, Turner, Flowers, Reed, Layson, Hamilton, Collins, Maull, Thomas (J), Bandy, Mitchell, Boyd, Turnham, Spratt, Hilliard, Melton, Hawk, Fuller, Ford, and Newton (D):

H. 624. To require each local board of education to establish disciplinary policies regarding disruptive students; to require in-school suspension for the first offense and to require parents or guardians to observe disruptive students in class; to provide for assignment to alternative disciplinary schools for the second offense; and to provide for assignment to a boot camp established and maintained by the local board of education for the third or subsequent offense.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Fuller and Hill:

H. 625. To amend Section 40-14-41, Code of Alabama 1975, relating to foreign corporation franchise tax; to provide an exclusion for banks and bank holding companies for investments in the capital of a foreign corporation that does not pay a franchise tax to the State of Alabama where the bank or bank holding company owns more than 50 percent of the stock of the corporation; to provide

further for the determination of the amount of capital employed by a bank or bank holding company in the State of Alabama; and to provide for a retroactive effective date.

COMMITTEE ON BANKING

By Representative Venable:

H. 626. To amend Sections 11-98-1 and 11-98-6, Code of Alabama 1975, which relate to emergency telephone service definitions, emergency telephone service charge, and restrictions on 911 use so as to further provide for 911 emergency telephone service; to provide legislative intent; to provide definitions; to provide certain regulations for shared tenant service type of telephone systems; to provide for the disbursement of certain revenue received from wireless service providers; to provide for certain limitations on the liability of systems, their officers, directors, and employees; to provide for merging of certain local systems; and to repeal Section 11-98-5, Code of Alabama 1975, relating to the board of commissioners authority to levy a service charge.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Kennedy:

H. 627. Providing for distinctive motor vehicle license tags or plates for persons employed or retired as United States postal carriers; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Carns:

H. 628. To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of pornography or the possession of pornography with the intent to distribute or the production of obscene material for pecuniary value.

COMMITTEE ON JUDICIARY

By Representative Carothers:

H. 629. To provide for the qualified electors of the state to vote for candidates for elected offices without regard to the political affiliation of the elector; to require all candidates who qualify to run for an office to be listed on the general election ballot; to provide for a run-off election after the general election; to amend Sections 17-1-1, 17-8-2, 17-8-10, 17-8-45, 17-9-7, 17-9-26, 17-9-33, 17-10-8, 17-10-12, and 17-16-1, Code of Alabama 1975; and to repeal Sections 17-7-1,

17-8-2.1, 17-8-3, 17-8-4, 17-8-5, 17-8-15 to 17-8-19, inclusive, 17-8-21, 17-9-31, 17-16-4, 17-16-9, 17-16-11 to 17-16-17, inclusive, 17-16-20, 17-16-21, 17-16-36, 17-16-37, 17-16-40, 17-16-41, 17-16-46, and 17-16-70 to 17-16-89, inclusive, Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Rogers (M), Clouse, Seibenhener, Gipson, Baker, Jorgensen, Moore, Wren, Vance, and Papucci:

H. 630. To provide for the qualified electors of the state to vote for candidates for elected offices without regard to the political affiliation of the elector; to require all candidates who qualify to run for an office to be listed on the open primary election ballot; to provide for a run-off election after the open primary election; to amend Sections 17-1-1, 17-8-2, 17-8-10, 17-8-45, 17-9-7, 17-9-26, 17-9-33, 17-10-8, 17-10-12, and 17-16-1, Code of Alabama 1975; and to repeal Sections 17-7-1, 17-8-2.1, 17-8-3, 17-8-4, 17-8-5, 17-8-15 to 17-8-19, inclusive, 17-8-21, 17-9-31, 17-16-4, 17-16-9, 17-16-11 to 17-16-17, inclusive, 17-16-20, 17-16-21, 17-16-36, 17-16-37, 17-16-40, 17-16-41, 17-16-46, and 17-16-70 to 17-16-89, inclusive, Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Black (M) and Clouse:

H. 631. To provide for funding and payment of certain cost-of-living adjustments for retirees, surviving spouses, and designated beneficiaries of certain local public and quasi-public hospital corporations participating or formerly participating in the Employees' Retirement System.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Black (M) and Clouse:

H. 632. Relating to health insurance; to authorize the local unit participants in the Employees' Retirement System to extend health insurance coverage to certain retirees, designated beneficiaries, and surviving spouses receiving benefits from the Employees' Retirement System; to authorize the local units to participate in a health insurance plan developed by the State Employees' Insurance Board or the Alabama Retired State Employees' Association and to authorize payment by the local units for the costs of the health insurance.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Hill:

H. 633. To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Biddle, Dial, Bedford, Mitchem, Mitchell, Waggoner, Smitherman, Barron, Windom, Steele, Roberts, Amari, Davidson, Armistead, Clay, Figures, Adams, and Myers:

S. 307. To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer certain controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 307. Commerce, Transportation and Utilities.

RESOLUTIONS

The following resolution was introduced:

By Representatives Hall (A) and Robinson:

H.R. 177. PETITIONING THE U.S. CORPS OF ENGINEERS TO REMOVE OR MODIFY A STRUCTURE ON THE NORTH SAUTY CREEK.

The resolution, H.R. 177, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 178. COMMENDING JOANNA HORKY OF OPELIKA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

The following resolution was introduced:

By Representative McKee:

H.J.R. 179. COMMENDING ANITA TATUM FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

The resolution, H.J.R. 179, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 35, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Gaines, Gaston, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Knight (A), Knight (J), Layson, McClammy, McMillan, Millican, Minnifield, Moore, Murphree, Newton (C), Newton (D), Papucci, Payne, Petelos, Pringle, Reed, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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And the bill:

H. 35. Relating to Elmore County; amending Section 1 of Act No. 91-539, H. 1094, 1991 Regular Session, relating to the compensation of the coroner of Elmore County, to further provide for the compensation of the coroner and assistant coroners of Elmore County; and specifically repealing Act No. 83-691, H. 677 of the 1983 Regular Session, relating to the coroner's compensation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Jorgensen, Knight (A), Layson, McKee, Melton, Minnifield, Mitchell, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 351, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 472, were temporarily carried over.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 545, were temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sims, the Budget Isolation Resolution relating to the bill, H. 553, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hayden, Hill, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, Maull, Millican, Minnifield, Mitchell, Murphree, Newton (D), Papucci, Parker (P), Payne, Petelos, Pringle, Sanderson, Seibenhener, Sims, Smith, Starkey, Turnham, Vance, Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 553. (With Amendment): Relating to Calhoun County, authorizing the sheriff to sale certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. 553 on Page 1, Line 14, by striking ~~sale~~ and inserting in lieu thereof sell

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable and Willis.

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And the bill:

H. 553. Relating to Calhoun County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the

sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Carns, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Moore, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Vance, Venable and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sims, the Budget Isolation Resolution relating to the bill, H. 554, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McClammy, McMillan, Melton, Millican, Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

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And the bill:

H. 554. To provide an additional method by which the City of Oxford in Calhoun County may extend its corporate limits in addition to any other method now provided by law.

was taken up.

SUBSTITUTE OFFERED

Representative Sims offered the following substitute to the bill, H. 554:

A BILL
TO BE ENTITLED
AN ACT

To provide an additional method by which the City of Oxford in Calhoun County may extend its corporate limits in addition to any other method now provided by law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Whenever the council of the City of Oxford shall pass a resolution to the effect that the public health or public good requires that certain territory (described in said resolution) shall be brought within the limits of the City of Oxford: (1) It shall be the duty of the mayor to certify a copy of such resolution to the Judge of Probate of Calhoun County and said certified resolution shall have attached thereto a plat or map of the territory proposed to be annexed, which certified resolution and plat or map shall be filed by the judge of probate. (2) Within 10 days from the date of the filing of such resolution, the judge of probate must make and enter an order upon the minutes of said court, directing and ordering an election to be held by the qualified electors residing within the territory described, not less than 20 days nor more than 40 days from the date of the making of the order. The said judge shall give notice of the holding of such election by publication in a newspaper of general circulation within the City of Oxford, and if there is no newspaper of general circulation within the City of Oxford, then by posting notices at three public places in such municipality, which notice shall state the day on which such election is to be held, the voting place or places, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Oxford, and such notice must give a description of the territory proposed to be annexed, and must state that a map of such territory is on file in the office of the Judge of Probate of said Calhoun County, open to the inspection of the public. (3) The judge of probate may designate as many places within the territory proposed to be annexed as he may deem necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places, and shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors. (4) Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the City of Oxford for three months next preceding the election, may vote at such election, but must vote at the voting place designated by the judge of probate for voters in the territory in which he resides. (5) The election to determine whether or not the proposed territory shall be brought within such corporate limits must be conducted in all respects as provided by the general election laws, and under the same sanction and penalties,

except as changed by the provisions hereof. (6) The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election, at their respective voting places, to the judge of probate, and deliver the same to the returning officer, who must at once return the same to the judge of probate, and the judge of probate must canvass the return as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation," the judge shall make and enter an order on the records of the probate court adjudging and decreeing the corporate limits of the City of Oxford to be extended so as to embrace the territory described in the resolution and designated on the plat or map attached to the resolution, and must cause the certified resolution and the map and all orders or decrees or judgments to be recorded in the records of his office, and from the time of the entry of such order such territory shall be a part of and within the corporate limits of the City of Oxford. If it appears that a majority of the votes cast at the election are "against annexation" the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that a majority of the votes at such election were cast against coming into the corporate limits of the City of Oxford and that the territory described and designated in the resolution and plat or map attached shall not form a part of or be embraced in the City of Oxford until it may thereafter be brought into the City as a part thereof. (7) The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided for contest of general municipal elections, making the City of Oxford the contestee. The City of Oxford shall pay all costs and expense incident to the election. (8) The plat or map filed with the certified copy of the resolution, as required herein, shall show accurately the territory proposed to be embraced within the corporate limits, including all subdivisions into lots, blocks, streets and alleys within such territory, if any, and an accurate description by metes and bounds of the boundary of such territory, which territory must be contiguous to the boundary of and form a homogeneous part of the City of Oxford, but is not to embrace any territory within the corporate limits of another municipality. Proof of residence and qualification as electors of petitioners and of persons affected shall be made to the judge of probate, by affidavit or otherwise, as he may direct. When determining the ownership of the land within such boundary, the persons, firms or corporations assessing the same for taxation shall be accepted by the judge of probate as prima facie the owners thereof. All territory brought within the corporate limits of the City of Oxford under the provisions of this act shall be subject to its laws and ordinances and the council shall have and exercise the same jurisdiction over such territory as is exercised over the other territory within the corporate limits of the City of Oxford. The council may create new wards or may enlarge the wards so as to embrace all the territory brought within the corporate limits of the City of Oxford so as to afford opportunity to all persons entitled to vote at elections in the City of Oxford to vote thereat. The judge of probate shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them as they are authorized by law to charge and collect for similar services rendered by them, and the City of Oxford shall pay all cost and expense thereof except in the case of a contest as herein provided.

Section 2. Notwithstanding the fact that the City of Oxford may have extended its corporate limits under the provisions of this act, or any other law, it may again extend its corporate limits hereunder, or under any other law authorizing the extension of such corporate limits; provided however, that after an election has been held in any territory under the provisions of this act, or any other law, no other or subsequent election shall be ordered or held within the same territory, or any part thereof, within 12 months next after said election.

Section 3. In every proceeding to extend the corporate limits of the City of Oxford, under the provisions of this act, the Council of the City of Oxford, shall declare in each and every resolution herein provided for, and the judge of probate shall declare in each and every order directing and ordering an election to be held hereunder, and in every order made and entered on the records of the Probate Court hereunder, that such resolution, order or notice, as the case may be, is passed, given or entered under the provisions of this act.

Section 4. All property and territory brought within the corporate limits of the City of Oxford under the provisions of this act shall be liable for payment of taxes to the City of Oxford, from and after the commencement of the city tax year, commencing next after the judge of probate shall make and enter an order on the records of the Probate Court, adjudging and decreeing the corporate limits of the City of Oxford to be extended so as to embrace such property or territory.

Section 5. This act shall constitute an additional method by which the corporate limits of the City of Oxford may be extended, and shall be in addition to any other method now or hereafter provided by law.

Section 6. This act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Lindsey, Maul, McClammy, McMillan, Melton, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Starkey, Townsend, Turnham, Venable and Willis.

And the bill:

H. 554. To provide an additional method by which the City of Oxford in Calhoun County may extend its corporate limits in addition to any other method now provided by law.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Venable and Willis.

-59

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 351, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McClammy, Melton, Millican, Mitchell, Moore, Morrison, Murphree, Newton (D), Papucci, Parker (P), Petelos, Pringle, Rogers (M), Seibenhener, Thomas (D), Turnham, Vance, Venable and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 351. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Houston County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Turnham, Vance, Venable, White and Willis.

-70

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 472, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hayden, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Mitchell, Moore, Morrison, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, White and Willis.

-61

And the bill:

H. 472. Relating to Houston County; to provide for the issuance of annual boat certificates of registration by mail by the judge of probate; and to provide an additional fee for the purposes of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White and Willis.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 115, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White and Willis.

-81

And the bill:

H. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy with certain modifications; to amend Sections 34-39-3, 34-39-5, 34-39-7, 34-39-8, and 34-39-10, Code of Alabama 1975, so as to provide for the referral by any licensed physician or dentist; to remove those provisions permitting certain short-term unlicensed practice in the state; to provide for the registration of occupational therapy practitioners; and to provide further for license requirements.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 115:

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the State Board of Occupational Therapy.

Section 2. The existence and functioning of the State Board of Occupational Therapy, created and functioning pursuant to Sections 34-39-1 to 34-39-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Representative Box to table the substitute offered by him to the bill, H. 115, was lost.

Yeas 37; Nays 37.

Yea:

Representatives Baker, Black (M), Box, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Ford, Gipson, Guin, Hall (A), Haney, Hawk, Hawkins, Hayden, Holmes, Johnson (R), Knight (J), Lindsey, McDaniel, Millican, Moore, Papucci, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Smith, Townsend, Turner, Turnham, Vance and Willis.

-37

Nay:

Representatives Bandy, Carter, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Hamilton, Hammett, Hill, Hilliard, Hogan, Houston, Jorgensen, Kennedy, Layson, McAdory, McKee, McMillan, Melton, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Payne, Robinson, Rogers (J), Sims, Spratt, Starkey, Venable, Warren, White and Wren.

-37

CO-SPONSOR REMOVED

At the request of Representative Robinson, his name was removed as co-sponsor to the bill, H. 586.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 165. URGING THE RETURN OF THE CSS HUNLEY TO THE CITY OF MOBILE, ALABAMA.

Also:

H.J.R. 166. COMMENDING STEVE KITTRELL FOR HIS 500TH WIN AS A COLLEGE BASEBALL COACH.

Also:

H.J.R. 167. COMMENDING BRIAN GILLIS CAMPBELL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 170. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 152. COMMENDING THE HONORABLE M. JOHN STEENSLAND, JR., OF DOTHAN, ALABAMA.

Also:

H.J.R. 155. COMMENDING ANN DELCHAMPS OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 157. WELCOMING THE NEIGHBORHOODS, U.S.A. ANNUAL CONFERENCE TO BIRMINGHAM, ALABAMA.

Also:

H.J.R. 158. COMMENDING MRS. RUBY MILLER ON THE OCCASION OF HER RETIREMENT.

Also:

H.J.R. 159. COMMENDING MRS. VIRGINIA OZMENT ON THE OCCASION OF HER RETIREMENT.

Also:

H.J.R. 160. COMMENDING MR. ROBERT SMITH ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 161. COMMENDING MRS. LAURA ELIZABETH LOWERY LITTLE FOR DISTINGUISHED SERVICE.

Also:

H.J.R. 162. COMMENDING BECKY DICKINSON OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 163. CONGRATULATING MR. AND MRS. ROBERT GORDON LISTER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 146. EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.

Also:

H.J.R. 147. COMMENDING DIANNE DAVIS MCWAIN OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 149. COMMENDING DR. NORMA ROGERS FOR 35 YEARS OF OUTSTANDING SERVICE.

Also:

H.J.R. 150. COMMENDING THE MCGILL-TOOLEN GIRLS GOLF TEAM FOR OUTSTANDING ACCOMPLISHMENT.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 71. DECLARING THAT THE FEDERAL COURTS DO NOT HAVE THE POWER TO INSTRUCT THE STATES TO LEVY OR INCREASE TAXES.

Also:

H.J.R. 72. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

H. 115 RESUMED**MOTION TO TABLE LOST**

The motion offered by Representative Box to table the substitute offered by him to the bill, H. 115, was lost.

Yeas 35; Nays 46.

Yea:

Representatives Black (M), Box, Carns, Curry, Dean, Flowers, Ford, Gipson, Guin, Haney, Hawkins, Hayden, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (J), Lindsey, McClammy, Millican, Morrison, Page, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Smith, Townsend, Turner, Vance, Warren, White and Willis.

-35

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Clark (W), Clouse, Crigler, Dukes, Gaines, Galliher, Gaston, Graham, Hall (L), Hamilton, Hammett, Hawk, Hill, Hilliard, Hinshaw, Jackson, Kennedy, Layson, Maul, McAdory, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Rogers (J), Seibenhener, Sims, Spratt, Starkey, Thomas (D) and Venable.

-46

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Box to the bill, H. 115, and the substitute was adopted.

Yeas 84; Nays 5.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-84

Nay:

Representatives Box, Clark (W), Dolbare, Laird and Perdue.

- 5

And the bill:

H. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Mauli, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey,

Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 118, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-78

And the bill:

H. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects with certain modifications; to amend Section 34-2-33, Code of Alabama 1975, so as to provide further for the examination fee and to provide for reinstatement of a lapsed license.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 118:

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board for Registration of Architects.

Section 2. The existence and functioning of the Board for Registration of Architects, created and functioning pursuant to Sections 34-2-30 to 34-2-42, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 1.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

Nay:

Representative Box.

And the bill:

H. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 112, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-83

And the bill:

H. 112. (With Amendments): Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors with certain modifications; to amend Sections 34-11-4, 34-11-30, 34-11-31, and 34-11-36, Code of Alabama 1975, so as to provide further for reciprocity; to provide further for board membership qualifications; and to eliminate the requirement that excess appropriated funds transfer to the State General Fund at the end of the fiscal year.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 112, and to the pending amendments reported by the Standing Committee on State Administration:

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the State Board of Registration for Professional Engineers and Land Surveyors.

Section 2. The existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors, created and functioning pursuant to Sections 34-11-1 to 34-11-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

Nay:

Representative Box.

- 1

And the bill:

H. 112. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 113, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

And the bill:

H. 113. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects with certain modifications; to amend Sections 34-17-4, 34-17-21, 34-17-25, and 34-17-26, Code of Alabama 1975, so as to provide further for the use of the title "landscape architect" in a corporate or partnership name; to provide further for the submission of applications and the qualifications of applicants; to discontinue the issuance of temporary certificates; and to provide for reciprocity with other countries.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 113, and to the pending amendment reported by the Standing Committee on State Administration:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board of Examiners of Landscape Architects.

Section 2. The existence and functioning of the Board of Examiners of Landscape Architects, created and functioning pursuant to Sections 34-17-1 to 34-17-27, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Representative Hall (A), the substitute offered by Representative Box to the bill, H. 113, and to the pending committee amendment was tabled.

Yeas 49; Nays 32.

Yea:

Mr. Speaker, Baker, Box, Carothers, Clouse, Collins, Crigler, Curry, Dean, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, Millican, Moore, Morrison, Morrow, Murphree, Page, Papucci, Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Smith, Spratt, Thomas (D), Thomas (J), Warren, White and Willis.

-49

Nay:

Representatives Black (L), Black (M), Boyd, Burke, Buskey, Carter, Clark (W), Drake, Dukes, Gaines, Gaston, Hammett, Hawk, Hayden, Hill, Hilliard, Jackson, Kennedy, McMillan, Melton, Minnifield, Mitchell, Newton (C), Newton (D), Penry, Perdue, Rogers (J), Seibenhener, Sims, Starkey, Turner and Venable.

-32

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 113 as introduced on page 8, line 26 after the word "state" by inserting the words "or country".

MOTION TO REMOVE FROM TABLE ADOPTED

Having voted on the prevailing side by which the substitute offered by Representative Box to the bill, H. 113, and to the pending committee amendment was tabled, Representative Venable offered the motion to remove the substitute from the table, and the motion was adopted.

Yeas 46; Nays 21.

Yea:

Representatives Allen, Baker, Black (M), Burke, Buskey, Carter, Clouse, Crigler, Dolbare, Dukes, Gaines, Guin, Hammett, Haney, Hayden, Hill, Hogan, Holmes, Houston, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Mitchell, Newton (C), Parker (P), Parker (T), Penry, Petelos, Reed, Rogers (J), Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Vance, Venable, Willis and Wren.

-46

Nay:

Representatives Box, Curry, Galliher, Gaston, Hall (A), Hinshaw, Jorgensen, Knight (A), Maull, Moore, Morrison, Morrow, Murphree, Papucci, Payne, Pringle, Robinson, Smith, Spratt, Townsend and Turner.

-21

MOTION TO TEMPORARILY CARRY OVER LOST

The motion offered by Representative Hall (A) to temporarily carry over the bill, H. 113, and the pending committee amendment and the pending substitute offered by Representative Box was lost.

SUBSTITUTE TABLED

The question was then on the adoption of the substitute offered by Representative Box to the bill, H. 113, and to the pending committee amendment, and on motion of Representative Hall (A), the substitute was tabled.

Yeas 42; Nays 36.

Yea:

Representatives Black (L), Box, Clouse, Curry, Dean, Ford, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hayden, Hinshaw, Hogan, Holmes, Johnson (R), Jorgensen, Knight (A), Knight (J), Maull, McClammy, Moore, Morrison, Morrow, Murphree, Page, Papucci, Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Smith, Thomas (J), Townsend, Turner, Vance, Warren and Wren.

-42

Nay:

Representatives Black (M), Boyd, Burke, Crigler, Dolbare, Dukes, Flowers, Gaines, Hammett, Hawk, Hill, Hilliard, Houston, Jackson, Kennedy, Laird, Layson, Lindsey, McAdory, McMillan, Melton, Minnifield, Mitchell, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Venable and Willis.

-36

AMENDMENT ADOPTED

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, and the committee amendment was adopted.

Yeas 69; Nays 2.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Lindsey, McClammy, McDaniel, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Willis and Wren.

-69

Nay:

Representatives Hill and McAdory.

- 2

MOTION TO REMOVE FROM TABLE ADOPTED

Having voted on the prevailing side by which the substitute offered by Representative Box to the bill, H. 113, as amended, was tabled, Representative Newton (D) offered the motion to remove the substitute from the table, and the motion was adopted.

Yeas 49; Nays 22.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Buskey, Carter, Collins, Crigler, Dolbare, Dukes, Flowers, Gaines, Gaston, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Houston, Jackson, Johnson (E), Kennedy, Laird, Layson, Lindsey, McAdory, McMillan, Melton, Mitchell, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Turnham, Vance, Venable, White and Willis.

-49

Nay:

Representatives Box, Burke, Curry, Dean, Gipson, Guin, Hall (A), Hinshaw, Hogan, Holmes, Jorgensen, Knight (A), McClammy, Morrison, Morrow, Murphree, Page, Papucci, Robinson, Rogers (M), Smith and Turner.

-22

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 553. Relating to Calhoun County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

TOMMY CARTER
Chairman

And the bill, H. 553, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 554. To provide an additional method by which the City of Oxford in Calhoun County may extend its corporate limits in addition to any other method now provided by law.

TOMMY CARTER
Chairman

And the bill, H. 554, as engrossed, was ordered sent to the Senate.

H. 113 RESUMED**SUBSTITUTE ADOPTED**

The question was then on the adoption of the substitute offered by Representative Box to the bill, H. 113, as amended, and the substitute was adopted.

Yeas 73; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrow, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Vance, Venable, White and Willis.

-73

Nay:

Representatives Box and Murphree.

- 2

And the bill:

H. 113. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Turner, Turnham, Vance, Venable, White and Willis.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 114, was adopted.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-84

Nay:

Representative Baker.

And the bill:

H. 114. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance and Willis.

-81

Nay:

Representative Baker.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Holmes, the Budget Isolation Resolution relating to the bill, H. 116, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McDaniel, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Sanderford, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-73

And the bill:

H. 116. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 116 as introduced as follows: On page 2, line 12 delete "34-8-27," and insert in lieu thereof "34-8-28,".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-85

And the bill:

H. 116. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable and Willis.

-87

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Holmes, the Budget Isolation Resolution relating to the bill, H. 117, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-85

And the bill:

H. 117. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Section 34-25-5, Code of Alabama 1975, so as to provide compensation for advisory consultants.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 117:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Polygraph Examiners Board.

Section 2. The existence and functioning of the Polygraph Examiners Board, created and functioning pursuant to Sections 34-25-1 to 34-25-36, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore,

Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-81

Nay:

Representative Box.

- 1

And the bill:

H. 117. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-89

Nay:

Representative Gaines.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Box and Reed intended to vote "Yea" on passage of the bill, H. 117, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 545, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-78

And the bill:

H. 545. Relating to Etowah County; to provide for the establishment of the Etowah County Community Development Committee; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-81

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 180. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 10th legislative day, Tuesday, May 23, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 534 - By Sanderson	60
Real estate, licensee, fee for research and ed. levied, Secs. 34-27-4, 34-27-31, 34-27-35 am'd.	
H. 180 - By Black (M)	5
Legal separation, court may grant decree re, standards, effects, remedy of divorce from bed and board abolished, Secs. 30-2-30, 30-2-31 repealed	
H. 145 - By Newton (C) (As Substituted)	44
Liquefied petroleum gas, use of unvented heaters in mobile homes, definition of used manufactured home clarified, Act 94-706, 1994 Reg. Sess. am'd.	
H. 158 - By Crigler (As Amended)	26
Agriculture or seafood, disparagement, crime of further defined, civil action extended, Secs. 6-5-620, 6-5-621, 6-5-624 am'd.	
H. 353 - By Baker	32
Corrections Dept., correctional officers, replaced with employee with lower classification, prohib., establishment of security guard classification, prohib., Sec. 14-1-4 am'd.	

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H. 453 - By Haney 64

Credit cards, definition of expanded for purposes of illegal possession, Sec. 13A-9-14 am'd.

H. 443 - By Hooper 62

State property, inventories by the State Auditor's office, Secs. 36-16-8, 41-1-6 am'd.

H. 166 - By Guin 20

Industrial Development Authorities, organized by counties, appointment of directors by local legislative delegation, Sec. 11-92A-5 am'd.

H. 286 - By Newton (D) (As Substituted) 21

Public accountants, practice by means of a limited liability company or limited liability partnership, to provide definitions, Secs. 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, 34-1-21 am'd.

H. 291 - By Dukes (As Amended) 20

Competitive bids on public contracts, variance when let by local government entity to local bidder, Secs. 41-16-50, 41-16-51, 41-16-54 am'd.

H. 504 - By Rogers (M) 59

Youth Services Bd., membs. per diem, Sec. 44-1-51 am'd.

H. 198 - By Penry 38

Schools, guns, expelling of students for bringing guns to school, local bds. to develop policy

H. 503 - By Vance 63

Funeral Service Bd., regulations, fines for violations, alt., Sec. 34-13-56 am'd.

H. 435 - By McKee 30

Child and spousal support, revocation of licenses, including driver's and professional licenses, for failure to pay, hearing before Human Resources Dept.

H. 484 - By Penry (As Substituted) 69

Class 8 muns., mayor's office, referendum of status of full-time mayor, subsequent referendum in change of govt., term

H. 401 - By Petelos 53

Support payments, child and spousal, including medical support, method of crediting payments, Sec. 8-8-11 am'd.

H. 168 - By Guin 5

Divorce, waiting period, temporary orders

H. 322 - By McDaniel 8

Industrial Relations Dept., assessment pursuant to Employee Security Program, deleted, termination date, Secs. 25-4-40.1, 25-4-54 am'd.

H. 340 - By Hooper 9

State Insurance Fund, salvage of prop., procedure alt., Sec. 41-15-4 am'd.

H. 142 - By Buskey (As Amended) 24

Corrections Dept., inmates in co. jails, responsibility of dept. for medical care, Sec. 14-3-30 am'd.

On motion of Representative Carter, the resolution, H.R. 180, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Sanderson offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 534.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 180, the time to debate the bill, H. 534, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects.

TOMMY CARTER
Chairman

And the bill, H. 118, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy.

TOMMY CARTER
Chairman

And the bill, H. 115, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 112. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors.

TOMMY CARTER
Chairman

And the bill, H. 112, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 71. DECLARING THAT THE FEDERAL COURTS DO NOT HAVE THE POWER TO INSTRUCT THE STATES TO LEVY OR INCREASE TAXES.

Also:

H.J.R. 72. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

Also:

H.J.R. 146. EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.

Also:

H.J.R. 147. COMMENDING DIANNE DAVIS MCWAIN OF SARALAND, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 149. COMMENDING DR. NORMA ROGERS FOR 35 YEARS OF OUTSTANDING SERVICE.

Also:

H.J.R. 150. COMMENDING THE MCGILL-TOOLEN GIRLS GOLF TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H.J.R. 152. COMMENDING THE HONORABLE M. JOHN STEENSLAND, JR., OF DOTHAN, ALABAMA.

Also:

H.J.R. 155. COMMENDING ANN DELCHAMPS OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 157. WELCOMING THE NEIGHBORHOODS, U.S.A. ANNUAL CONFERENCE TO BIRMINGHAM, ALABAMA.

Also:

H.J.R. 158. COMMENDING MRS. RUBY MILLER ON THE OCCASION OF HER RETIREMENT.

Also:

H.J.R. 159. COMMENDING MRS. VIRGINIA OZMENT ON THE OCCASION OF HER RETIREMENT.

Also:

H.J.R. 160. COMMENDING MR. ROBERT SMITH ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 161. COMMENDING MRS. LAURA ELIZABETH LOWERY LITTLE FOR DISTINGUISHED SERVICE.

Also:

H.J.R. 162. COMMENDING BECKY DICKINSON OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 163. CONGRATULATING MR. AND MRS. ROBERT GORDON LISTER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H.J.R. 165. URGING THE RETURN OF THE CSS HUNLEY TO THE CITY OF MOBILE, ALABAMA.

Also:

H.J.R. 166. COMMENDING STEVE KITTRELL FOR HIS 500TH WIN AS A COLLEGE BASEBALL COACH.

Also:

H.J.R. 167. COMMENDING BRIAN GILLIS CAMPBELL OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 170. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 180, was adopted.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Boyd, Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

And the bill:

H. 180. Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 145, was adopted.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Robinson,

Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

And the bill:

H. 145. (With Substitute): To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquified petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of "used manufactured home."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, is amended to read as follows:

"Section 1. For the purposes of this act, the following words shall have the following meanings:

"(1) LP-GAS. Liquefied petroleum gas as defined in Section 9-17-100, Code of Alabama 1975.

"(2) USED MANUFACTURED HOME. A manufactured home which is not being sold or offered for sale as new, ~~is not the first purchase of the manufactured home,~~ and is used for residential purposes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-84

S. 46 SUBSTITUTED FOR H. 145

In accordance with House Rule 20 and on motion of Representative Newton (C), the bill, S. 46, was substituted for the bill, H. 145, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, S. 46, was adopted.

Yeas 82; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee,

McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-82

And the bill:

S. 46. To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

was read a third time at length and passed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-83

H. 145 INDEFINITELY POSTPONED

On motion of Representative Newton (C), the bill, H. 145, as amended, was indefinitely postponed.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Boyd intended to vote "Yea" on passage of the bills, H. 553 and H. 554.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Crigler, the Budget Isolation Resolution relating to the bill, H. 158, was adopted.

Yeas 78; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Cams, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

-78

Nay:

Representatives Hawk, Hinshaw, Minnifield and Parker (P).

- 4

And the bill:

H. 158. (With Amendment): Relating to the civil action for damages because of disparagement of a food product or commodity; amending Sections 6-5-620, 6-5-621, and 6-5-624 of the Code of Alabama 1975, relating, respectively, to the legislative intent, definitions, and limitations on the cause of action for damages in disparagement actions.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 158, Page 2, Line 11, after the word "6-5-621," insert the following language: 6-5-623,

Further amend House Bill 158, Page 2, Line 16, after the word "6-5-621," insert the following language: 6-5-623,

Further amend House Bill 158, Page 2, Line 13, after the word "definitions," insert the following language: defenses,

Further amend House Bill 158, Page 4, after Line 2, add the following language: §6-5-623.

It is no defense under this article that the actor did not intend, or was unaware of, the act charged. The republication or reporting of disparagement of perishable food products or commodities shall not be subject to liability under Section 6-5-622

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 180, the time to debate the bill, H. 158, and the pending committee amendment expired and the Speaker proceeded to the next bill on the Special Order Calendar.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 113. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects.

TOMMY CARTER
Chairman

And the bill, H. 113, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 116. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors.

TOMMY CARTER
Chairman

And the bill, H. 116, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 117. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board.

TOMMY CARTER
Chairman

And the bill, H. 117, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 353, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Newton (C), Page, Papucci, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turner, Vance, Venable and White.

-70

And the bill:

H. 353. To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from establishing a classification with the title of security guard.

was taken up.

AMENDMENT OFFERED

Representative Baker offered the following amendment to the bill, H. 353:

On page 2, line 15, after the word "pay," insert the following words

nor shall the department employ outside security guards or their equivalent,
and

On page 2, line 23, after the quotation mark delete the following "(c)" and
insert in lieu thereof the following "(d)"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 3.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-72

Nay:

Representatives Carns, Gaines and Sanderford.

- 3

And the bill:

H. 353. To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from establishing a classification with the title of security guard.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 10.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-79

Nay:

Representatives Box, Carns, Dolbare, Gaston, Hawkins, Newton (C), Payne, Sanderford, Thomas (D) and Willis.

-10

RESOLUTIONS

The following resolutions were introduced:

By Representatives Galliher, Hill and Gaines:

H.J.R. 181. EXEMPTING HOUSE MEMBERS FROM METAL DETECTOR REQUIREMENT FOR SENATE ACCESS.

The resolution, H.J.R. 181, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.J.R. 182. COMMENDING NICOLETTE MOLENAAR OF HOLLAND, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 182, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Parker (T):

H.R. 183. COMMENDING SUZANNE JACKSON CRUMP OF TUSCALOOSA, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Parker (T):

H.J.R. 184. COMMENDING SUZANNE JACKSON CRUMP OF TUSCALOOSA, ALABAMA.

The resolution, H.J.R. 184, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carter:

H.J.R. 185. COMMENDING CHARLES D. KELLEY OF MONTGOMERY, ALABAMA.

The resolution, H.J.R. 185, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Sims:

H.R. 186. COMMENDING TRAVIS FORD FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

By Representative Morrison:

H.R. 187. COMMENDING DEL BROCK OF CULLMAN, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE ALABAMA POULTRY AND EGG ASSOCIATION.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 70. HONORING THE MONTGOMERY HOUSING AUTHORITY
YELLOW JACKETS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom:

S.J.R. 71. HONORING JAY WAGGONER OF BIRMINGHAM, ALABAMA,
FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senators Davidson, Biddle, Waggoner, Amari, Armistead, Smitherman, McClain, Adams, Bailey, Barron, Bedford, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Steele, and Windom:

S.J.R. 72. RENAMING I-459 IN JEFFERSON COUNTY THE JOHN M.
HARBERT FREEWAY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 70, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 71, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 72, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Escott-Russell, Bedford, Biddle, Windom, Smitherman, and Langford:

S.J.R. 50. EXPRESSING SUPPORT OF THE AMTRAK SYSTEM.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 50, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Freeman, Bedford, Butler, Waggoner, and Mitchem:

S.J.R. 62. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

WHEREAS, the Alabama Legislature, during the 1994 Legislative Session, debated and considered ways in which to meet the pressing need for additional nursing home beds in the State of Alabama and searched for a legislative solution to encourage gradual steady growth of available nursing home beds in those counties where the need for additional nursing home beds was the most pressing; and

WHEREAS, in the 1994 Regular Session, the Alabama Legislature passed Act No. 94-209, which amended Section 22-21-265 of the Code of Alabama 1975, commonly known as the "Ten Percent Act" which was signed into law on March 17, 1994, thereby creating a statutory system designed to meet the need for additional nursing home beds in the State of Alabama; and

WHEREAS, nursing home facilities in the State of Alabama, in accordance with the intent and purpose of the Alabama Legislature, applied for and received exemptions pursuant to the Ten Percent Act from the Executive Director of the Alabama State Health Planning and Development Agency (SHPDA), and in reliance upon the granting of exemptions pursuant to the Ten Percent Act, constructed additional nursing home beds to meet the pressing need for nursing home beds in the State of Alabama; and

WHEREAS, SHPDA Executive Director, Elbert Peters, and the SHPDA Board have notified numerous nursing home facilities throughout the State of Alabama that exemptions granted pursuant to the Ten Percent Act are being reconsidered and may be revoked; and

WHEREAS, the actions of SHPDA Executive Director, Elbert Peters, and the SHPDA Board threaten to force Alabama residents from nursing home beds lawfully added pursuant to the Ten Percent Act, and threaten to cause nursing home facilities to lose millions of dollars already spent in reliance upon exemptions granted pursuant to the Ten Percent Act thereby endangering the very fabric of the nursing home industry in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge SHPDA Executive Director, Elbert Peters, and the SHPDA Board to ratify the exemptions granted to nursing home facilities in the State of Alabama pursuant to the Ten Percent Act, and to desist from any further efforts to reconsider or revoke exemptions granted pursuant to the Ten Percent Act, so that Alabama residents may continue to remain in badly needed additional nursing home beds available as a result of the Ten Percent Act, and so that nursing home facilities in the State of Alabama may not lose millions of dollars already spent to provide the badly needed nursing home beds added pursuant to the Ten Percent Act, thus insuring that the nursing home industry in the State of Alabama may continue to meet the pressing needs of Alabama residents for available nursing home beds.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Elbert Peters.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 62, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 66. COMMENDING THE MONTGOMERY ACADEMY FORENSICS TEAM FOR OUTSTANDING ORATORY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 66, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

REPORT FILED

The Report of the Sub-Committee E (Legislative, Judicial and General Government) to the Joint Legislative Committee on Finances and Budgets was submitted by the Chairmen, Senator Roger Bedford, Senator George Clay and Representative John Knight, to the Alabama Legislature of 1995, and the report was ordered filed.

ADJOURNMENT

On motion of Representative Thomas (J), the House adjourned until 9:00 o'clock a.m., Thursday, May 25, 1995.

ELEVENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 25, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. James M. Castleberry, Ridgecrest Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ryan Vest, 7th Grade, and Paul Vest, 5th Grade, Home School, Odenville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the tenth legislative day was dispensed with.

LEAVE OF ABSENCE

At the request of Representative Thomas (D), leave of absence was granted for Representative Rogers (M).

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, May 30, 1995, and the motion was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 353. To amend Section 14-1-4 of the Code of Alabama 1975, relating to the Department of Corrections; to prohibit the Department of Corrections from replacing correctional officers with employees in a lower classification; and to prohibit the Department of Corrections from establishing a classification with the title of security guard.

TOMMY CARTER
Chairman

And the bill, H. 353, as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.J.R. 188. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, June 1, 1995, they adjourn to meet again on Tuesday, June 6, 1995, and when they adjourn on Tuesday they adjourn to meet again on Thursday, June 8, 1995.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 188, was adopted.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 43. (With Substitute): Relating to the imposition of additional fines for persons convicted of driving under the influence of a controlled substance or alcohol; providing for the distribution of the funds collected; providing for the creation of the Alabama Chemical Testing Trust Fund Advisory Board and the Alabama Chemical Testing Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 for the 1996 fiscal year.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 306. (With Amendment): To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 156. (With Substitute): To permit members of the Teachers' Retirement System to purchase up to five years of prior service credit for service rendered as regular employees of Walker College, prior to the merger of the school with the University of Alabama at Birmingham.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 526. To establish a pension fund for Alabama firefighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 77. To amend Section 12-16-9 of the Code of Alabama 1975, relating to sequestering of a jury in capital and non-capital felony cases; to allow the court to permit the jury to separate in capital cases.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 440. (With Substitute): Relating to motor vehicles; to provide for the regulation of window tinting of motor vehicles; to provide definitions; to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for certain exceptions and for medical exemptions; to provide for the approval by the Department of Public Safety of material and glazing used for the window tinting of motor vehicles in this state; to provide for labels on windshields and windows under certain conditions; and to provide penalties for violations of this act.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 437. To amend Section 12-15-34 of the Code of Alabama 1975, relating to transfer of cases from juvenile court to criminal court, to provide that any person under the age of 14 years who is charged with the commission of an offense that would constitute a capital offense if committed by an adult may be transferred to criminal court for criminal prosecution as an adult; and to provide for penalties upon conviction.

H. 525. To amend Section 12-15-65, Code of Alabama 1975, by requiring that all court orders removing a child from his or her home will contain a finding that the best interest of the child was considered and that reasonable efforts to prevent removal were made or were not appropriate due to emergency or unsafe conditions.

H. 521. To amend Section 12-13-1 of the Code of Alabama 1975, relating to the jurisdiction of the probate court; to provide that the probate court shall not have the jurisdiction to change the name of a person convicted of a felony offense; and to require the person who files a petition to change his or her name to file a declaration that he or she has not been convicted of a felony offense.

H. 556. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 579. (With Amendment): To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-590, 1994 Regular Session, providing that a person driving under the influence of alcohol or a controlled substance would receive an enhanced penalty after the first charge of driving under the influence irrespective of the date of the subsequent conviction.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 588. To amend Section 13A-5-9 of the Code of Alabama 1975, to allow certain persons sentenced to imprisonment for life without parole to be granted a parole under certain circumstances.

H. 125. To amend Sections 30-5-2 and 30-5-5, Code of Alabama 1975, to further define the persons covered under The Protection From Abuse Act; to provide for the administration of the act and pro se legal proceedings to obtain protection from abuse orders.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 297. To authorize the Department of Corrections to design and install high voltage electrified security fence systems at any proposed medium or maximum security prison facility.

H. 529. Relating to the Legislative Reference Service, specifying that certain communications are privileged; specifying those actions which constitute a waiver of this privilege; and amending Section 29-7-6 of the Code of Alabama 1975.

H. 130. Prohibiting judges from soliciting campaign contributions from attorneys and providing penalties for violations.

H. 595. To prohibit the awarding of punitive damages in certain malpractice actions; to limit the awarding of punitive damages in certain actions to those actions where actual damages are awarded; to limit noneconomic damages to \$500,000 per plaintiff in certain actions; and to provide that this act apply to causes of action accruing on or after the effective date of this act.

H. 193. To propose an amendment to the Constitution of Alabama of 1901, as amended, authorizing legislative and executive review of certain State Supreme Court decisions.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 558. (With Substitute): To amend Sections 32-6-4 and 32-6-4.1 of the Code of Alabama 1975, relating to nondriver identification cards; to provide that any person under the age of 62 years shall renew the nondriver identification card every eight years; to provide that a mentally or physically disabled person who is incapable of obtaining a driver's license shall not be charged, except for the fee of the judge of probate or license commissioner of the county; to provide that a person 62 years of age and older shall not be required to renew the card except as provided by Section 32-6-4.1, Code of Alabama 1975, and the rules and regulations of the Director of the Department of Public Safety; to provide for the cost and renewal of nondriver identification cards; to authorize the Director of Public Safety to adopt and enforce reasonable rules and regulations relating to the use of the nondriver identification card; and to provide for an effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 424. Relating to the Public Service Commission; amending Sections 37-1-12 and 37-1-16 of the Code of Alabama 1975, which authorize the commission to employ personnel as members of its staff using provisions of the state merit system; and repealing Sections 37-1-12.1 and 37-1-12.2 of the Code of Alabama 1975, which relate to the hiring of certain employees outside the state merit system.

H. 87. To amend Section 41-9-141, Code of Alabama 1975, to exempt certain contracts for educational facilities from the approval authority of the State Building Commission.

H. 547. To amend Section 24-7-2 of the Code of Alabama 1975, relating to the membership removal hearing of the Mowa Choctaw Housing Authority; to provide that the tribal council shall conduct the hearing for removal of a member from the authority.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 592. (With Amendments): To amend Sections 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10, and 34-27A-11 of the Code of Alabama 1975, relating to the licensing and classes of real estate appraisers; to provide for the State Registered Real Property Appraiser Classification; and to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 of the Code of Alabama 1975, from taking a written examination for licensure reclassification to the "Registered Real Property Appraiser" classification.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 624. To require each local board of education to establish disciplinary policies regarding disruptive students; to require in-school suspension for the first offense and to require parents or guardians to observe disruptive students in class; to provide for assignment to alternative disciplinary schools for the second offense; and to provide for assignment to a boot camp established and maintained by the local board of education for the third or subsequent offense.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 183. (With Substitute): To establish the Auctioneer's Education, Research, and Recovery Fund to pay damages arising from the actions of

auctioneers or apprentice auctioneers; to provide for penalties; to specifically repeal Section 34-4-24 of the Code of Alabama 1975, relating to bonds; and to amend Section 34-4-30 of the Code of Alabama 1975.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 136. (With Amendments): To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; and to provide for the appropriation of funds to the board.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 599. To state the legislative intent; to define terms used in this act; to designate the Board of Nursing as the sole state authority to establish the qualifications necessary for a registered nurse to be certified as an advanced practice nurse; to authorize the Board of Nursing to adopt rules and regulations governing the certification of the advanced practice nurse; to provide that the State Board of Medical Examiners and the Board of Nursing shall regulate the collaborative practice of physicians and advanced practice nurses which includes certified registered nurse practitioners and certified nurse midwives, to require persons wishing to engage in those two categories of advanced practice nursing to be certified by the Board of Nursing and practice in accordance with protocols approved by the State Board of Medical Examiners and the Board of Nursing to recommend rules and regulations to govern the collaborative relationship between physicians and those two categories of advanced practice nurses; to authorize two categories of advanced practice nurses to prescribe legend drugs; to specify prohibited acts; to establish requirements for disciplinary actions to be initiated by the State Board of Medical Examiners and the Board of Nursing; and to authorize the State Board of Medical Examiners and the Board of Nursing to seek a civil injunction against any person engaged in advanced practice nursing in violation of this act.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 318. (With Amendment): To require hospitals to submit monthly reports to the State of Alabama Department of Public Health giving the number of patients admitted to such hospital for complications resulting from an attempted abortion or an abortion, the nature of the complication by its diagnostic name and the type of

abortion; to require the reporting of the name of the facility where the attempted abortion or abortion was performed that resulted in the complication, if such facility is an abortion or reproductive health center as defined by regulations of the Department of Public Health; to require the Department of Public Health to prepare necessary forms and to implement the bill's enforcement.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 343. To amend Section 26-21-1, et sequel, Code of Alabama 1975, the Parental Consent to Abortion Act, by repealing Section 26-21-3(b), the requiring of a certified mail notice to the mother of a minor who was caused to be pregnant as a result of sexual intercourse with a father or legal guardian; to amend subsection (c) by repealing the minor's verification; to require a parent's or legal guardian's or adoptive parent's signature to a consent form to be signed in the presence of the abortion provider or agent and to be accompanied with specific identification and evidence, and to provide for certain alternative identification and evidence requirements; to amend subsection (d) to require certain documents proving a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person coercing a minor to have an abortion performed; to provide that the State of Alabama, Department of Public Health, develop appropriate forms for the consent and emancipation requirements of Section 26-21-3; to provide a civil cause of action for the violation of the provisions of the Act.

H. 333. Prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 338. (With Amendment): To amend Sections 22-8-4, 22-8-6, and 22-8-9 of the Code of Alabama 1975, to remove the right of a minor to give effective consent for medical procedures; to provide that the parent or legal guardian of a minor may access medical, dental, health, or mental health records of the minor in certain situations.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 346. (With Substitute): To promote the training of primary care physicians in state medical schools; and to provide funding to medical schools on the basis of the number of primary care physicians they produce.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 380. (With Amendment): To provide further for the powers of the board and membership fees of credit unions; to provide for the powers of the administrator of the Alabama Credit Union Administration to include the power to act as a conservator of a credit union under certain conditions, subject to quarterly review of the board; to provide for the rules and regulations and written policies and interpretations of law and regulation and to give certain immunity to officers and directors relying on the written policies and interpretation; and to provide further appointments, qualifications, and residency of members of the credit union board; and for these purposes amending Sections 5-17-4, 5-17-8, 5-17-46, and 5-17-55, Code of Alabama 1975.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 616. To establish the Alabama Residential Energy Code Board for the purpose of promoting and overseeing the implementation of the Model Energy Code and advising the Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs on matters relating to the Model Energy Code; to provide for the method of appointment of members to the board and their purposes, functions, duties, and activities; and to provide for the mandatory implementation of and adherence to the Model Energy Code if a unit of local government so chooses to adopt it in whole or in part.

H. 625. To amend Section 40-14-41, Code of Alabama 1975, relating to foreign corporation franchise tax; to provide an exclusion for banks and bank holding companies for investments in the capital of a foreign corporation that does not pay a franchise tax to the State of Alabama where the bank or bank holding company owns more than 50 percent of the stock of the corporation; to provide further for the determination of the amount of capital employed by a bank or bank holding company in the State of Alabama; and to provide for a retroactive effective date.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 245. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

H. 609. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 98. To prohibit the stocking or placing of certain striped bass into the waters of the Lewis Smith Dam Reservoir; to provide for misdemeanor penalties for violation of this act; and to provide an effective date.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 434. (With Substitute): To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 307. To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer certain controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 550. (With Substitute): To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 535. (With Amendment): To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste disposal facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to establish a trust fund to pay the cost of investigation, required clean-up, and closure of unauthorized dumps by innocent, responsible land owners; to authorize fees for disposal or incineration of solid waste within the state; to establish minimum standards for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 305. (With Substitute): To amend Section 11-49-80, Code of Alabama 1975, to further provide that a municipality may assume authority to control, manage, supervise, regulate, repair, maintain, and improve public streets in newly annexed areas.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 518. (With Amendment): To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 161. (With Amendments): To authorize the incorporation in any municipality in the State of Alabama of an Urban Redevelopment Authority; to authorize an Urban Redevelopment Authority to designate and define the areas of the redevelopment districts; to provide for the election and compensation of directors of any authority; to provide for the powers and duties of the authority, its board of directors, and its officers; to authorize the authority to acquire all real and personal properties, provided that the property shall be located wholly within the urban redevelopment districts as defined; to authorize any authority to lease properties to others and grant options to any lessee; to provide for the issuance by any authority of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of its properties; to provide that in certain circumstances the securities shall constitute negotiable instruments; to provide that the securities may be secured by a pledge of the revenues and receipts from which they are payable; to authorize the authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate, or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state, or local government or allow them to use facilities or services of the authority; to make loans to persons or entities for the costs of a project on the security; to provide for the employment by any authority of any personnel as its business may require; to require the authority to be insured; to require payments in lieu of taxes to be for the authority's purposes; to provide for the investment of funds of any authority; to provide for the use of the proceeds of any securities issued by any authority; to provide for the refunding, by the issuance of securities of any authority, of securities theretofore issued by it; to provide that the securities issued and contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to make the securities issued by the authority eligible investments for various governmental bodies and fiduciaries; to provide that any authority may publish a notice of the adoption of a resolution authorizing the issuance of bonds by the authority, and to provide that any action or proceeding questioning the validity of the bonds, or any pledge, mortgage, and deed of trust or trust indenture securing the bonds, or the proceedings authorizing the bonds, would be commenced within 30 days after the first publication of the notice; to exempt the income of any authority, and all conveyances, leases, mortgages, and deeds of trust to which any authority is a party, from all taxation in the state except for the state ad valorem taxes; to exempt every authority from all license and excise taxes in which an authority may engage and to exempt the authority from

payment of certain charges to judges of probate; to exempt every authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any authority; to provide for the dissolution of any authority and the disposition of its property; to limit to one the number of authorities which may exist in any municipality at any one time; to give the authority the power of eminent domain; to authorize political subdivisions, agencies, instrumentalities, and public corporations of the state to aid the authority without any public election; to require the treasurer to obtain a fidelity bond; to require compliance with the competitive bid law with respect to any projects receiving public funds; to require a public hearing prior to the expenditure of any public funds; to provide for the reincorporation of, and to validate the acts of, certain authorities previously established; to provide that the provisions of this act are cumulative and severable; and to provide for an effective date.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 530. To amend Section 11-88-7, Code of Alabama 1975, relating to the powers of a water, sewer, or fire protection authority organized pursuant to this chapter; to provide that the authority may compensate a director of the authority who serves as a manager of the water system of the authority; to provide for an expense allowance for directors of the authority for meetings of the authority; and to provide retroactive effect.

H. 173. To amend Section 40-3-20, Code of Alabama 1975, to extend the period for filing objections to notice of valuation of property.

H. 442. To amend Section 1 of Act No. 94-694 of the 1994 Regular Session, now appearing as Section 11-47-7.1 of the Code of Alabama 1975, authorizing the municipal governing bodies individually or jointly to levy additional court costs and fees in municipal cases and providing for the distribution of the funds for jail purposes and other related purposes, to specify that the court costs and fees would be based on the court costs and fees in the district court of the county; and to provide retroactive effect.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 576. Relating to Elmore County; authorizing the county commission to establish an animal control program; to provide for the appointment of animal

control officers; to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control program; providing for the investigation of complaints about dangerous animals; and providing for the responsibility of animal owners for their animals.

H. 591. Relating to Elmore County; to provide for the imposition of fees for fire protection and other related services; to provide for definitions; to provide for eligibility guidelines for receipt of the funds; to provide for the collection and use of the funds; to provide for alteration of fire districts; and to provide for exemptions.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 607. Relating to certain personnel in the Sheriff's Office of Mobile County; reclassifying the positions of chief deputy, chief clerk, assistant chief deputy, chief investigator, chief-youth aid division, administrative assistant, and secretary; and further providing for compensation of the personnel; expressly repealing the following acts: Act No. 517, S. 297 of the 1967 Regular Session (Acts 1967, p. 1241); (relating to assistant chief deputy sheriff); Act No. 650, H. 366 of the 1975 Regular Session (Acts 1975, p. 1407); Act No. 1058, H. 356 of the 1975 Regular Session (Acts 1975, p. 2120); and Act No. 80-612, H. 1144 of the 1980 Regular Session (Acts 1980, p. 1043); all of which acts relate to various personnel and compensation of the Sheriff's office; and providing that Act No. 94-208, H. 595 of the 1994 Regular Session (Acts 1994, p. 278), relating to compensation of deputy sheriffs, shall be construed together with this act.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 109. To propose an amendment to the Constitution of Alabama of 1901, for Shelby County, providing further for license taxes on certain real estate operations and transactions.

The above bill was read a second time at length as required by the Constitution.

H. 596. Relating to Shelby County; to provide that the county commission may install self-service computer terminals to provide information and process motor vehicle tag renewals and other similar services in the county; and to authorize the county commission to collect additional fees from users of self-service computer terminals.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 603. To propose an amendment to the Constitution of Alabama of 1901, for Etowah County, providing further for license taxes on certain real estate operations and transactions.

The above bill was read a second time at length as required by the Constitution.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 179. COMMENDING ANITA TATUM FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

WHEREAS, it is with highest commendation and acclaim that the Legislature of Alabama notes the recent election of Anita Tatum as president of the National Association of State Election Directors; and

WHEREAS, Anita Tatum, as Director of Voter Registration for the State of Alabama since 1989, has served with distinction in her charge to improve the validity of Alabama's voters' list and the integrity of state elections; and

WHEREAS, under the authority of the Board of Appointment of Registrars, she has ably and well served the vast duties and responsibilities of her office to oversee past and future directives of Alabama and Federal voter registration laws, to create and maintain a centrally located computerized voters' list for the state, and to work with the Secretary of State in implementing Motor Voter; and

WHEREAS, in extended professional service, she has held the position as president of the Alabama Association of Boards of Registrars for three years, and served as a member of the Montgomery County Board of Registrars and the Election Center Continuing Education Certification Board; she has also testified before the U. S. Congress on the National Voter Registration Act and, in July of 1992, appeared on the McNeil/Lehrer NewsHour discussing Motor Voter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon her election as president of the National Association of State Election Directors, and in recognition of outstanding performance and achievement, we hereby extend highest commendation and heartiest congratulations to Anita Tatum, and do further direct that she receive a copy of this resolution as a measure of our sincere personal regard and esteem.

On motion of Representative Carter, the resolution, H.J.R. 179, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 177. PETITIONING THE U.S. CORPS OF ENGINEERS TO REMOVE OR MODIFY A STRUCTURE ON THE NORTH SAUTY CREEK.

WHEREAS, with increasing interest and considerable consternation, the House of Representatives of the Legislature of Alabama takes legislative notice of the failure of the United States Corps of Engineers to properly maintain the flow of the waters of the North Sauty Creek; and

WHEREAS, the Corps of Engineers has issued a nationwide permit #14 which authorizes a minor road crossing at North Sauty Creek mile 10.0, and pursuant to this permit a structure was installed; and

WHEREAS, this legislative body observes that the United States Corps of Engineers has allowed this hazardous structure to impede and obstruct the North Sauty Creek, which is a part of the navigable waterways of this state; and

WHEREAS, the House of Representatives notes that adjoining landowners of the property through which the creek flows are entitled to protection from damage caused by any impediments to the natural flow of the stream; and moreover the permitted structure is preventing the natural flow of the creek causing the impoundment of water and a resulting backup, ponding, and inappropriate accumulation of water upon property located upstream of the unsuitable structure; and

WHEREAS, it is with utmost concern for the rights of affected property owners and the protection of the environment that this legislative body has reviewed this situation and has determined that unless proper remedial action is taken, irreparable harm may be imposed on property owners and the environment; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That based on the foregoing concerns and determinations, this body emphatically encourages the United States Corps of Engineers to implement immediate action to vacate this permit and provide for either the removal or modification of the offending structure causing the specified damage and obstruction of the natural flow of water.

BE IT FURTHER RESOLVED, That a copy of this resolution be forward to the United States Corps of Engineers so that it may be apprised of our sentiments regarding this critical situation and persuaded to act in the best interests of the State of Alabama.

On motion of Representative Carter, the resolution, H.R. 177, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 181. EXEMPTING HOUSE MEMBERS FROM METAL DETECTOR REQUIREMENT FOR SENATE ACCESS.

WHEREAS, members of the Senate are not subject to security clearance for access to the floor and interior offices of the House of Representatives; and

WHEREAS, the members of the House wish to be granted the same privilege of free access to the Senate that is extended for Senators to the House; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the House of Representatives of the Alabama Legislature shall be exempt from the requirement of metal detector clearance for access to the Senate offices on the 7th floor of the State House.

On motion of Representative Carter, the resolution, H.J.R. 181, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 182. COMMENDING NICOLETTE MOLENAAR OF HOLLAND, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors Nicolette Molenaar, an exchange student at Springville High School in St. Clair County, Alabama; and

WHEREAS, Nicolette Molenaar, a native of Vredenburg, South Africa, and daughter of Floor and Dymph Molenaar, has lived in Honduras and Australia, and grew up in the Netherlands in Callantsoog on the coast of the North Sea; and she has furthermore enjoyed seeing the sights of Alabama; and

WHEREAS, Nicolette Molenaar, who fluently speaks Dutch, German, and English, has spent the school year with Michael and Joan Sweatt, along with their

two children, Eric and Amanda, and will graduate from Springville High School on May 30, 1995; and

WHEREAS, Nicolette has furthermore provided an opportunity for a sharing experience with the families, friends, and students of Springville, and is well deserving of this special recognition to honor her tremendous courage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby highly commend and warmly congratulate Nicolette Molenaar, an exchange student of Springville High School, and furthermore extend her best wishes on her future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Nicolette as evidence of our sincerest pride and esteem.

On motion of Representative Carter, the resolution, H.J.R. 182, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 184. COMMENDING SUZANNE JACKSON CRUMP OF TUSCALOOSA, ALABAMA.

WHEREAS, it is with a sense of sincere pride and esteem that the Alabama Legislature honors Mrs. Suzanne J. Crump of Tuscaloosa, Alabama, as the recipient of Alabama's Social Studies Teacher of the Year Award; and

WHEREAS, a seventh grade social studies teacher at Tuscaloosa Middle School, Mrs. Crump received her Educational Specialist and Master of Arts degrees from the University of Alabama, and Bachelor of Arts in Secondary Education from Judson College; and

WHEREAS, Mrs. Crump has made immeasurable contributions throughout her distinguished career as a teacher at Parkview Learning Center, Westlawn Middle School, and Verner Elementary School in the Tuscaloosa City System, and Virginia Heard Elementary School in Savannah, Georgia, and as a Master Teacher of Handicapped Students, Graduate Assistant Teacher, and Graduate Assistant for the University of Alabama; and

WHEREAS, an active participant in such notable professional organizations as Delta Kappa Gamma, Kappa Delta Pi, and the Professional Educators of Tuscaloosa, Suzanne Crump has been honored as a Tuscaloosa City School

System nominee for Alabama Teacher of the Year, a finalist in the Jacksonville State University Teacher Hall of Fame, and is the recipient of the Faculty Recognition Award for Elementary Education and the Educator of the Year Award from the University of Alabama and Phi Delta Kappa, respectively; and

WHEREAS, Mrs. Crump is active in all areas of her community serving as an appointee of the City Council to the Juvenile Crime Commission, a member of the Juvenile Detention Board and Junior League, and Division Chairman of the Heart Fund, American Cancer Society, and the United Way, to name but a few; and

WHEREAS, a member and active participant of First United Methodist Church, Suzanne, along with her husband Dr. Donald Crump, are the proud parents of one adult son and daughter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend paramount praise and warmest congratulations to Mrs. Suzanne Crump of Tuscaloosa, Alabama, as Alabama's Outstanding Social Studies Teacher of the Year, and do furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Representative Carter, the resolution, H.J.R. 184, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 70. HONORING THE MONTGOMERY HOUSING AUTHORITY YELLOW JACKETS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 70.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 71. HONORING JAY WAGGONER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 71.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 72. RENAMING I-459 IN JEFFERSON COUNTY THE JOHN M. HARBERT FREEWAY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 72.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 62. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 62.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 66. COMMENDING THE MONTGOMERY ACADEMY FORENSICS TEAM FOR OUTSTANDING ORATORY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 66.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell (With Notice and Proof):

S. 20. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 20, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 20. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 29. Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291 and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a one-year antique license plate or tag only for those vehicles operated as a collector's item; to define an antique vehicle; to increase the fee; to prescribe penalties for violating this act; to delete the provision that the plate or tag is valid without renewal; to provide for the distribution of proceeds from the registration of antique vehicles and from the registration of other vehicles that are more than 25 years old; and to specify further the design of the plate or tag.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 29. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Amari, Hale, Armistead, Butler, and Little:

S. 74. To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 74. Small Business.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Clay, Smitherman, Steele, Dial, Bailey, Lipscomb, McClain, and Barron:

S. 209. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 209. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little:

S. 292. To amend Sections 40-12-390, 40-12-391, and 40-12-392, Code of Alabama 1975, to require new motor vehicle dealers franchised in other states to be subject to the dealer licensing law and to provide a retroactive effect.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 292. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Biddle and Waggoner:

S. 317. To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 317. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little:

S. 319. To amend Section 36-27-26, Code of Alabama 1975, relating to proposed legislation affecting the State Employees' Retirement System, to include legislation affecting the Judicial Retirement System.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 319. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford (With Notice and Proof):

S. 321. Relating to Montgomery County; providing further for the compensation of all election officials.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 321, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 321. Local Legislation No. 5.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 331. Exempting certain persons from state licensure, registration, and certification requirements who are in the state to render certain services for the Games of the Twenty-Sixth Olympiad and the Games of the Tenth Paralympiad to be held, in part, in Alabama in 1996; to provide for consent for certain medical services; and to provide for repeal of this act on December 31, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 331. State Administration.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 189. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of business beginning the eleventh legislative day, Thursday, May 25, 1995, taking precedence over the regular order of business of the House or any pending Special Orders and continuing on subsequent legislative days until said bills are disposed of:

Report of Standing Committees

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Unfinished Business

And the following Bills:

Inst Id	Page
H. 468 - By McMillan (As Amended)	67
Foundation Program for the funding of public schools estab., numerous Secs. am'd and repealed	
H. 471 - By Wren (As Amended)	69
Teachers' Retirement System and P.E.E.H.I.P., payment funding to be paid by employer, Secs. 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, 36-27-21.4 am'd.	
H. 469 - By McKee (As Substituted)	68
Beer Tax distribution and malt beverage tax, references to minimum program fund changed to foundation program, Secs. 28-2-23, 28-3-190 am'd.	
H. 466 - By Turner (As Amended)	66
Education, accountability system estab., student testing, core curriculum, at risk student prog., state intervention, financial accountability, budgets	

H. 467 - By McMillan	67
Teachers req. to pass nationally normed test prior to certification	
H. 470 - By Hooper	69
Teachers, immune from civil and criminal liability for exercising corporal punishment, local bd. to provide legal defense, local bd. to issue warrants for assaults on teachers	
H. 445 - By Starkey (As Amended)	70
Ad valorem tax, min. 20 mills levied for school purposes, repeal of taxes earmarked for ed. after 2010-2011, except ad valorem taxes in effect Jan. 1995, utilities and rental prop. classification alt., const. amend.	
H. 385 - By Fuller (As Substituted)	72
Utility tax, navigation companies, removed from definition of public utility, Sec. 40-21-1 am'd.	

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 189.

SUBSTITUTE OFFERED

Representative Hall (A) offered the following substitute to the resolution, H.R. 189:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of business beginning the eleventh legislative day, Thursday, May 25, 1995, taking precedence over the regular order of business of the House or any pending Special Orders and continuing on subsequent legislative days until said bills are disposed of:

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And the following Bills:

Inst Id	Page
H. 468 - By McMillan (As Amended)	67
Foundation Program for the funding of public schools estab., numerous Secs. am'd and repealed	
H. 471 - By Wren (As Amended)	69
Teachers' Retirement System and P.E.E.H.I.P., payment funding to be paid by employer, Secs. 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, 36-27-21.4 am'd.	
H. 469 - By McKee (As Substituted)	68
Beer Tax distribution and malt beverage tax, references to minimum program fund changed to foundation program, Secs. 28-2-23, 28-3-190 am'd.	
H. 466 - By Turner (As Amended)	66
Education, accountability system estab., student testing, core curriculum, at risk student prog., state intervention, financial accountability, budgets	
H. 467 - By McMillan	67
Teachers req. to pass nationally normed test prior to certification	
H. 470 - By Hooper	69
Teachers, immune from civil and criminal liability for exercising corporal punishment, local bd. to provide legal defense, local bd. to issue warrants for assaults on teachers	
H. 385 - By Fuller (As Substituted)	72
Utility tax, navigation companies, removed from definition of public utility, Sec. 40-21-1 am'd.	

SUBSTITUTE TABLED

On motion of Representative Starkey, the substitute offered by Representative Hall (A) to the resolution, H.R. 189, was tabled.

Yeas 57; Nays 30.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Clark (W), Crigler, Curry, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McMillan, Minnifield, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend and Willis.

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Nay:

Representatives Baker, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Flowers, Graham, Hall (A), Hinshaw, Johnson (R), Laird, Layson, Maull, McKee, Millican, Moore, Morrow, Murphree, Newton (C), Page, Petelos, Reed, Robinson, Seibenhener, Turner, Vance, Warren and White.

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RESOLUTION ADOPTED

The question was then on the motion offered by Representative Carter to adopt the resolution, H.R. 189, and the resolution was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Black (M) and Carter:

H. 634. Relating to curators, repealing Chapter 7A of Title 26, comprised of Sections 26-7A-1 to 26-7A-17, inclusive, of the Code of Alabama 1975; preserving the existing powers and duties of certain curators for a specified time; and specifying that at a certain time these curators would become conservators with all the powers and duties of a conservator, except when the powers of a curator have been limited by a court.

COMMITTEE ON JUDICIARY

By Representative Carter:

H. 635. Providing for a member of the Employees' Retirement System to purchase credit in the system for certain prior service rendered to a certain State Welcome Center during a certain period of time.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 636. To provide for imposition of an additional fee in criminal and civil proceedings to supplement forensic operations; to establish the Alabama Forensic Services Trust Fund; and to appropriate \$400,000 from the fund to the Department of Forensic Sciences for the 1996 fiscal year and an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 637. To allow the Department of Forensic Sciences to charge a fee for the use of department personnel in private lawsuits; to establish the Alabama Forensic Services Trust Fund and to appropriate \$130,000 from the fund to the Department of Forensic Sciences for the 1996 fiscal year.

COMMITTEE ON WAYS AND MEANS

By Representative Dolbare:

H. 638. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Dolbare:

H. 639. Providing a certain preference for certain in-state paper recycling plants purchasing waste paper for recycling purposes from the offices of state departments, agencies, and institutions.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Wren:

H. 640. To repeal Section 22-11A-15, Code of Alabama 1975, which requires premarital exams and testing for syphilis.

COMMITTEE ON HEALTH

By Representative Turnham:

H. 641. To make a conditional appropriation of \$250,000 from the State General Fund in the State Treasury to the Diabetes Trust Fund for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives Papucci and Jorgensen:

H. 642. To authorize the governing body of any municipality that is within a county school system under the control of a county board of education to name or rename any public primary or secondary school located within the corporate limits of the municipality, if allowed by local law.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Fuller:

H. 643. To impose an additional fine for persons convicted of drug possession, drug sale, drug trafficking, and drug paraphernalia offenses; to provide for the creation of the Alabama Forensic Services Trust Fund; to provide for an appropriation to the Department of Forensic Sciences for the 1996 fiscal year, and for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Hilliard, Rogers (J), Parker (P), Hall (L), Jorgensen, Millican, Boyd, McClammy, Baker, Morrison, Gipson, Melton, Sims, Spratt, Hall (A), Houston, and McAdory:

H. 644. To amend Section 37-2-130 of the Code of Alabama 1975, relating to railroads; to require railroad companies to maintain adequate facilities for employees in accordance with the public health and fire codes.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Hill, Gaines, Knight (A), Curry, and Smith:

H. 645. To create a new circuit judgeship in the Eighteenth Judicial Circuit.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 646. To amend Section 40-18-100 of the Code of Alabama 1975, relating to the setoff of the debts against state income tax refunds; to include the Alabama Medicaid Agency in the statutory definition of "Claimant Agency"; to grant authority to the Commissioner of Medicaid to provide for the offset of refunds to satisfy debts owed the agency by Medicaid debtors.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee and Hamilton:

H. 647. To provide further for the purchase of service credit by members of the Teachers' Retirement System.

COMMITTEE ON STATE ADMINISTRATION

By Representative Reed:

H. 648. To make an appropriation from the Special Educational Trust Fund in the State Treasury to Tuskegee University, in the amount of five million dollars (\$5,000,000), for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representative Reed:

H. 649. To make an appropriation from the Special Educational Trust Fund in the State Treasury to Tuskegee University, in the amount of five million dollars (\$5,000,000), for the fiscal year ending September 30, 1995, to be used for the repair and replacement of burned-out facilities on campus.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 650. To repeal Sections 41-20-1 to 41-20-12, inclusive, and 41-20-14 to 41-20-16, inclusive, Code of Alabama 1975, the Alabama Sunset Law of 1981, as amended.

COMMITTEE ON STATE ADMINISTRATION

By Representative McMillan:

H. 651. Relating to county boards of education; to amend Section 16-8-39 of the Code of Alabama 1975, to provide for the keeping of financial records in the manner approved by the State Superintendent of Education and for the annual audit of county boards of education; and to amend Section 41-5-14 of the Code of

Alabama 1975, relating to the Examiners of Public Accounts and the auditing of governmental units, to exempt county boards of education from the requirement that they be audited by the Examiners of Public Accounts.

COMMITTEE ON STATE ADMINISTRATION

By Representative Carothers:

H. 652. To provide for a surrogate declaration authorizing the withholding of life-support and life-sustaining procedures where a patient on life-support has not executed a written declaration.

COMMITTEE ON HEALTH

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 564, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Carter, Clouse, Collins, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Moore, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 564. Relating to Pike County; fixing the fee for an issuance of a pistol permit by the sheriff and providing for the disposition and use of the proceeds; and repealing Act No. 80-112, H. 567 of the 1980 Regular Session (Acts 1980, p. 164).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carter, Clouse, Collins, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Lindsey, McAdory, McClammy, McKee, Minnifield, Moore, Murphree, Newton (C), Papucci, Parker (T), Petelos, Pringle, Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, White, Willis and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 468, was adopted.

Yeas 65; Nays 26.

Yea:

Mr. Speaker, Black (M), Box, Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-65

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Carns, Gaines, Hall (A), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Minnifield, Morrison, Newton (D), Payne, Perdue, Robinson, Rogers (J), Sanderson, Spratt and Thomas (J).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Nay" on adoption of the Budget Isolation Resolution relating to the bill, H. 468.

And the bill:

H. 468. (With Amendments): To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 468 as introduced on page 21 by deleting lines 25 through 32, inclusive, and on page 22 by deleting lines 1 and 2 and inserting in lieu thereof the following: "(b) The tax collector/revenue commissioner of each

county shall apportion county-wide taxes collected for education purposes to each local board of education in the county on the basis of where the taxable property is situated for the purpose of ad valorem taxes."

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-80

Nay:

Representative Gaines.

- 1

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 468 as introduced on Page 6, line 15 after the word "technology." by inserting the following language: The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Not Less Than 50% of the above appropriation is to be expended for books. Other expenditures may include book binding, repair, CD Roms, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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The question was then on the adoption of the amendment #3 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 468 on Page 14, after line 28 by inserting a new sub-section (b) and renumbering all subsequent subsections accordingly: "(b) The state superintendent of education shall provide to the Legislative Fiscal Office and the Department of Finance any and all data necessary to enable those departments to calculate the cost of the foundation program and other funding provisions of this Act."

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Sanderford,

Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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The question was then on the adoption of the amendment #4 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 468 on Page 5, Line 6 by adding after the period the following: "The proposed program for at-risk students shall include the provision that all funds allocated shall be spent for at-risk students."

AMENDMENT ADOPTED

And the amendment #4 was adopted.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-91

The question was then on the adoption of the amendment #5 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 468 on Page 15, by inserting a new Section 7, and adding the following and re-numbering existing sections.

"Funds provided by the state to local boards of education for vocational/technical education shall be spent only for its intended purposes."

MOTION TO TABLE LOST

The motion offered by Representative Carothers to table the amendment reported by the Standing Committee on Ways and Means to the bill, H. 468, as amended, was lost.

Yeas 44; Nays 49.

Yea:

Representatives Baker, Bandy, Black (L), Burke, Buskey, Carothers, Hall (A), Hall (L), Hawk, Hayden, Hill, Hilliard, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Laird, Letson, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Warren and White.

-44

Nay:

Mr. Speaker, Allen, Black (M), Box, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hinshaw, Hogan, Holmes, Hooper, Jorgensen, Knight (A), Layson, Lindsey, McKee, McMillan, Newton (C), Papucci, Penry, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Johnson (E) intended to vote "Nay" on adoption of the committee amendment #5 relating to the bill, H. 468, as amended.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hawkins intended to vote "Nay" on adoption of the Budget Isolation Resolution relating to the bill, H. 468.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Papucci:

H.R. 190. COMMENDING COACH MYRA KING ON THE OCCASION OF HER RETIREMENT.

H. 468 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #5 reported by the Standing Committee on Ways and Means to the bill, H. 468, and the committee amendment #5 was adopted.

Yeas 72; Nays 16.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McKee, McMillan, Millican, Moore, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Carothers, Hall (A), Hawk, Hayden, Hill, Kennedy, Morrison, Morrow, Murphree, Newton (D), Page, Parker (T), Perdue, Robinson and Vance.

-16

AMENDMENT OFFERED

Representative McMillan offered the following amendment to the bill, H. 468, as amended:

On page 9, line 13, after the language "vocational education." insert the following: For the 1995-96 school year the grade level divisors include for special education 5% full time equivalent across all grades weighted 2.5 times the regular student weight. For the 1995-96 school year the grade level divisors include for vocational/technical education 7.4% full time equivalent in grades 7-8 weighted 1.4 times the regular student weight, and 16.5% full time equivalent in grades 9-12 weighted 2.0 times the regular student weight.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 22.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McKee, McMillan, Millican, Moore, Newton (C), Papucci, Penry, Petelos, Pringle, Sanderford, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Townsend, Turner, Venable, Warren, White and Wren.

-65

Nay:

Representatives Carothers, Gaines, Hall (A), Hall (L), Hawk, Hill, Jackson, Layson, McDaniel, Minnifield, Morrison, Morrow, Murphree, Newton (D), Page, Parker (T), Payne, Perdue, Robinson, Rogers (J), Smith and Vance.

-22

AMENDMENT OFFERED

Representative Carothers offered the following amendment to the bill, H. 468, as amended:

On page 2, after line 17, insert the following language: "There is hereby established a Vocational/Technical Education Program Fund to provide vocational/technical education opportunities.

On page 2, line 19, after the word "fund" insert the following language: , vocational/technical education program fund,

On page 3, line 4, change the heading to read as follows:

"REQUIREMENTS FOR PARTICIPATING IN FOUNDATION PROGRAM FUND"

AMENDMENT TABLED

On motion of Representative McMillan, the amendment offered by Representative Carothers to the bill, H. 468, as amended, was tabled.

Yeas 47; Nays 38.

Yea:

Mr. Speaker, Allen, Box, Carns, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McKee, McMillan, Moore, Papucci, Penry, Sanderford, Sims, Thomas (D), Townsend, Willis and Wren.

-47

Nay:

Representatives Bandy, Black (M), Burke, Buskey, Carothers, Hall (A), Hawk, Hayden, Hill, Hilliard, Jackson, Johnson (R), Kennedy, Knight (J), Laird, Layson, Letson, McDaniel, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (T), Payne, Perdue, Robinson, Smith, Spratt, Thomas (J), Turnham, Vance, Venable, Warren and White.

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AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 468, as amended:

Amend House Bill 468 on page 8 by adding a new sentence in line 14, after the word "education." as follows: "The local board of education shall, in turn, allocate to each school that portion of the local effort plus the state contribution (that is, the foundation program cost) attributable to that school."

AMENDMENT TABLED

On motion of Representative McMillan, the amendment offered by Representative Knight (J) to the bill, H. 468, as amended, was tabled.

Yeas 66; Nays 22.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McKee, McMillan, Millican, Moore, Morrow, Murphree,

Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turner, Venable, White, Willis and Wren.

-66

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Fuller, Hall (L), Hayden, Hilliard, Houston, Jackson, Kennedy, McAdory, Minnifield, Mitchell, Newton (D), Perdue, Reed, Rogers (J), Spratt, Thomas (J) and Vance.

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AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, H. 468, as amended:

Amend House Bill 468 on page 13, line 25 after the word "1994-95." by deleting the remainder of the paragraph.

AMENDMENT TABLED

On motion of Representative Turner, the amendment offered by Representative Gaines to the bill, H. 468, as amended, was tabled.

Yeas 69; Nays 19.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Penry, Perdue, Pringle, Robinson, Sims, Smith, Starkey, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-69

Nay:

Representatives Carns, Curry, Gaines, Hawkins, Hayden, Hill, Hilliard, Jackson, Knight (A), McAdory, Parker (T), Payne, Petelos, Sanderford, Sanderson, Spratt, Thomas (D), Townsend and Vance.

-19

AMENDMENT OFFERED

Representative Smith offered the following amendment to the bill, H. 468, as amended:

To amend H. 468 as amended on page 6 line 15, by adding after the period the following: "The entire professional development amount provided to a local school system under the foundation program's allowance for classroom instructional support, shall be used to contract with the same Teacher Inservice Center that was affiliated with that local school system in fiscal year 1994."

AMENDMENT TABLED

On motion of Representative Turner, the amendment offered by Representative Smith to the bill, H. 468, as amended, was tabled.

Yeas 52; Nays 35.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Burke, Carter, Clark (W), Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Graham, Hall (A), Haney, Hawkins, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Jorgensen, Laird, Layson, Maull, McKee, McMillan, Mitchell, Murphree, Newton (C), Papucci, Parker (P), Penry, Petelos, Pringle, Sanderford, Seibenhener, Sims, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

-52

Nay:

Representatives Allen, Carns, Carothers, Crigler, Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hayden, Hill, Hilliard, Jackson, Johnson (R), Knight (A), Knight (J), Letson, Lindsey, McAdory, Millican, Minnifield, Morrow, Newton (D), Page, Parker (T), Payne, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Vance and Warren.

-35

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 468, as amended:

Amend House Bill 468 on page 14, line 32 by adding the following sentence: "Any such rules and regulations shall be subject to the Alabama Administrative Procedures Act."

AMENDMENT TABLED

On motion of Representative Turner, the amendment offered by Representative Payne to the bill, H. 468, as amended, was tabled.

Yeas 61; Nays 21.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carter, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Minnifield, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Penry, Pringle, Robinson, Sanderford, Seibenhener, Sims, Starkey, Thomas (D), Turner, Turnham, Venable, White, Willis and Wren.

-61

Nay:

Representatives Buskey, Carns, Carothers, Fuller, Gaines, Hayden, Jackson, Johnson (R), Knight (J), McAdory, McClammy, Millican, Mitchell, Newton (D), Payne, Petelos, Rogers (J), Sanderson, Townsend, Vance and Warren.

-21

AMENDMENT OFFERED

Representative Perdue offered the following amendment to the bill, H. 468, as amended:

On page 6, lines 28, 29, and 30 delete the language "percentage times the amount of teachers' salaries allowed in subsection a. above" and insert in lieu thereof: uniform amount by the number of earned teacher units

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare,

Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 174. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 174, said Senate amendment being as follows:

RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, Thursday, May 25, 1995, they adjourn to meet again on Tuesday, May 30, 1995, and when they adjourn on Tuesday, May 30, 1995, they adjourn to meet again on Thursday, June 1, 1995.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bailey:

S.J.R. 73. COMMENDING MICHAEL C. PATTON ON THE OCCASION OF HIS RETIREMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carothers, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 73, the title of which is set out in the foregoing Message from the Senate.

H. 468 RESUMED

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 468, as amended:

Amend House Bill 468 on page 9, on line 13 after the period "." by inserting the following sentence: "It is the intent of the Legislature that vocational education be held harmless in funding."

AMENDMENT TABLED

On motion of Representative McMillan, the amendment offered by Representative Rogers (J) to the bill, H. 468 as amended, was tabled.

Yeas 49; Nays 39.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Jorgensen, Knight (A), Laird, Lindsey, Maull, McKee, McMillan, Murphree, Newton (C), Papucci, Parker (T), Penry, Pringle, Sanderford, Sims, Townsend, Turner, White, Willis and Wren.

Nay:

Representatives Baker, Bandy, Black (L), Burke, Buskey, Carothers, Curry, Galliher, Hall (A), Hall (L), Hawk, Hill, Hilliard, Houston, Jackson, Johnson (R), Kennedy, Layson, Letson, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Morrow, Newton (D), Page, Payne, Perdue, Petelos, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Vance, Venable and Warren.

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MOTION TO RECESS LOST

The motion offered by Representative Gaines that the House recess until 1:40 o'clock p.m. was lost.

Yeas 32; Nays 52.

Yea:

Representatives Black (M), Burke, Buskey, Carns, Carothers, Curry, Flowers, Gaines, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Minnifield, Morrison, Payne, Petelos, Reed, Sanderson, Spratt, Townsend, Vance and White.

-32

Nay:

Mr. Speaker, Allen, Baker, Box, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hinshaw, Hogan, Laird, Layson, Letson, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Robinson, Seibenhener, Sims, Smith, Starkey, Turner, Venable, Warren, Willis and Wren.

-52

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Papucci:

H.R. 191. COMMENDING COACH FRED FRICKIE OF CALHOUN JUNIOR COLLEGE UPON THE OCCASION OF HIS RETIREMENT.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 174. RELATIVE TO MEETING DAYS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

LEAVE OF ABSENCE

At the request of Representative Curry, leave of absence was granted for Representative Morton.

H. 468 RESUMED**AMENDMENT OFFERED**

Representative Sanderson offered the following amendment to the bill, H. 468, as amended:

Amend H. 468, as amended, on page 13, line 26 by striking the words "one fiscal year" and inserting in lieu thereof the word "three fiscal years".

AMENDMENT TABLED

On motion of Representative McMillan, the amendment offered by Representative Sanderson to the bill, H. 468, as amended, was tabled.

Yeas 66; Nays 20.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Penry, Pringle, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-66

Nay:

Representatives Carns, Carothers, Curry, Gaines, Hawkins, Hill, Hilliard, Jackson, Johnson (R), Knight (A), McAdory, Newton (D), Parker (T), Payne, Petelos, Rogers (J), Sanderson, Thomas (D), Townsend and Vance.

-20

AMENDMENT OFFERED

Representative Buskey offered the following amendment to the bill, H. 468, as amended:

Amend H. 468, p 30, line 12 by adding new sentence following the period to read: Salaries of personnel nor funds allocated therefor shall not be be transferred to other functions.

AMENDMENT TABLED

On motion of Representative McMillan, the amendment offered by Representative Buskey to the bill, H. 468, as amended, was tabled.

Yeas 53; Nays 34.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Moore, Morrison, Murphree, Papucci, Penry, Pringle, Sanderford, Seibenhener, Sims, Starkey, Turner, Venable, White, Willis and Wren.

-53

Nay:

Representatives Baker, Bandy, Buskey, Carothers, Clark (W), Hall (A), Hall (L), Hayden, Hilliard, Houston, Johnson (R), Kennedy, McAdory, Melton, Millican, Minnifield, Mitchell, Morrow, Newton (C), Newton (D), Page, Parker (P), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderson, Smith, Spratt, Thomas (J), Townsend and Warren.

-34

And the bill:

H. 468. To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson,

Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

Nay:

Representatives Carns, Gaines, Hawkins, Payne and Sanderson.

- 5

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 471, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-88

And the bill:

H. 471. (With Amendment): To require that funding for benefits provided under the Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend Sections 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 471 on Page 14, Line 10, after the word "payable" add new subsection (g):

"g. Employer cost provided for in this article together with member contributions required under this article shall be paid to the teachers' retirement system on the first day of the month following the month in which the related member salary is earned. The member contributions for each member shall be reported to the teachers' retirement system in a format prescribed by the teachers' retirement system."

On Page 32, after line 15 by adding a new subsection (h):

"h. Premiums required to be paid by the employer together with any premiums deducted from employees' compensation shall be paid to the public education employees' health insurance fund on the first day of the month for which coverage is applicable and the first day of each month thereafter. Monthly reports of the coverage type and premium amount for each covered employee shall be submitted in a format prescribed by the public education employees' health insurance fund."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

H. 471. To require that funding for benefits provided under the Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend Sections 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-91

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McKee, the Budget Isolation Resolution relating to the bill, H. 469, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed,

Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White, Willis and Wren.

-88

And the bill:

H. 469. (With Substitute): To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-2-23, Code of Alabama 1975, is hereby amended to read as follows:

"§28-2-23

"Any county or municipality which allows the sale of malt beverages under the provisions of this article shall be authorized to levy and collect a tax upon the sale of such beverages in an amount not to exceed \$.05 on each 12 fluid ounces or fraction thereof; provided, that the county shall not have authority to impose such tax within any incorporated municipality within such county.

A minimum of 60 percent of the proceeds of such tax shall be used solely for the purpose of public education, with the remainder to be allocated by the county commission or municipal governing body levying and collecting the tax for any other public use. The county commission shall distribute the proceeds of this tax

for public education to school systems within the county under the average daily attendance calculation used by the state department of education on the same basis as the total calculated costs of the foundation program for the local boards of education within the county.

Section 2. Section 28-3-190, Code of Alabama 1975, is hereby amended to read as follows:

"§28-3-190.

"(a) Levy. -- In addition to the excise tax levied by article 5A of chapter 3 of this title and the licenses provided for by chapter 3A of this title and by section 28-3-194, and any acts amendatory thereof, supplementary thereto or substituted therefor, and municipal and county licenses, there is hereby levied a privilege or excise tax on every person licensed under the provisions of said chapter 3A who sells, stores, or receives for the purpose of distribution, to any person, firm, corporation, club or association within the state of Alabama any beer. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of beer, and shall be an amount equal to one and six hundred twenty-five thousands cents (1.625 cents) for each four fluid ounces or fractional part thereof.

"(b) Collection. -- The tax levied by subsection (a) of this section shall be added to the sales price of all beer sold, and shall be collected from the purchasers. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a tax on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent of the county or municipality for the collection and payment of the tax.

"The tax levied by subsection (a) of this section shall be collected by a return in the form as prescribed or approved by the collection authority of the county or municipality, which shall be filed by the wholesaler with the wet county and wet municipality where sold postmarked not later than the 15th day of the month following the month during which the beer is sold, which return shall be accompanied by the remittance of the tax due; provided, where the taxes are timely paid, the tax due shall be discounted by two and one-half percent, which discount shall, subject to the provisions of section 28-3-195, be retained by said wholesaler for collecting the tax.

"The county and municipality each shall have the authority to inspect, examine and audit the books and records of any person, firm, corporation, club or association who sells, stores, or receives for the purpose of distribution, any beer, to determine the accuracy of any return required to be filed with it.

"The county shall have the authority to require any beer wholesaler not having a place of business within that county, who makes any sale, distribution or delivery of beer within the county to first obtain a permit from the beer tax collection authority of the county collecting the tax levied by this article.

"The county and municipality shall have the authority to require any wholesale beer licensee, who sells, distributes or delivers beer within the county, to file with the tax collection authority a bond in the penal sum not to exceed twice the amount of the average monthly tax due by the licensee to such authority estimated by such tax collection authority, conditioned upon the payment of the tax on beer levied by this article to become due by the licensee.

"(c) Disposition of proceeds. -- The proceeds of the tax levied by subsection (a) of this section shall be paid and distributed as follows:

"(1) Except as hereinafter provided in subdivision (2) or (3) of this subsection (c), one and six hundred twenty-five thousandths cents (1.625 cents) per four fluid ounces or fractional part thereof shall be paid by wholesale licensees on their sales either into the treasury of the wet municipality in which the beer was sold or delivered by a wholesaler to a retailer within its corporate limits, or, where sold outside the corporate limits of any municipality, into the treasury of the wet county in which the beer was sold or delivered by the wholesaler to a retailer.

"(2) Provided, however, such tax shall otherwise be paid and disposed of in the following counties, as hereinafter set forth:

"a. Autauga county: The entire amount of the tax collected on sales outside of the area comprised by the corporate limits and police jurisdictions of the cities of Prattville and Autaugaville shall be paid to the Autauga county commission. Outside the corporate limits but within the police jurisdictions of said municipalities, two-thirds of the amount of the tax shall be paid to the county commission and one-third shall be paid to the respective municipality. Within the actual corporate limits of Autaugaville and Prattville, two-thirds of the tax shall be paid to the governing body of the respective municipality and one-third shall be paid to the county commission.

"b. Baldwin county: The taxes shall be paid as follows:

"1. All the taxes collected on sales within the corporate limits of any municipality shall be paid to said municipality.

"2. One-half the taxes collected on sales within the police jurisdiction of any municipality shall be paid to said municipality and the remaining one-half shall be paid to the county.

"3. All of the taxes on sales outside the corporate limits of any municipality and outside of any police jurisdiction shall be paid to the ~~county~~ local board of education with the funds to be used for capital outlay, maintenance of existing buildings and instructional materials.

"c. Calhoun county: The entire amount of the tax shall be collected by the Calhoun county probate judge and paid to the Calhoun county commission. All such taxes, after first reimbursing the county general fund for expenses incurred in administration and enforcement of the tax, shall be distributed as follows:

"1. ~~Sixth-ninths of the total amount of the tax shall be turned over by it to the custodian of county school funds. The county board of education shall immediately divide the funds with the city boards of education within the county pre-rate in the same manner as the public school funds from the state are apportioned in said county under the minimum program fund law on the same basis as the total calculated costs of the foundation program for the local boards of education within the county.~~

"2. One-ninth of the total amount of the tax or \$150,000.00, whichever is greater, shall be paid to the Calhoun county economic development council.

"3. The balance of the total amount of the tax shall be distributed to certain municipalities as follows:

Anniston 28 1/2%

Oxford 21 1/2%

Jacksonville 28%

Piedmont 17%

Hobson City 2%

Ohatche 2%

Weaver 1%

"4. All reference in the general bill to county or municipalities shall apply to the probate judge or his designated agent in Calhoun county.

"d. Chambers county: The entire amount of the tax shall be paid to the Chambers county commission or like governing body of Chambers county, which, after the payment of all cost of collection and enforcement, shall distribute the net proceeds as follows:

"1. Fifty percent be prorated among the ~~city and county~~ local boards of education for educational purposes on the basis of the previous year's net enrollment of pupils;

"2. Fifty percent be prorated among the Chambers county commission general fund and the municipalities within the county, with each municipality receiving the amount that its population bears to the entire population of the county, and the general fund of the county receiving the amount that the population of the county outside the corporate limits of the municipalities bears to the entire population of the county according to the latest federal census. In the event of the incorporation of any new municipalities, the proration shall be based on the official population of the municipality at the time of incorporation. Any annexation shall accrue to the city annexing according to the population annexed.

"3. Fifteen percent of the amount prorated to the county general fund in subparagraph 2 of this paragraph shall be prorated among the fire and rescue squads located within the county.

"e. Choctaw county: The entire amount of tax shall be paid to the probate judge and, after reimbursement of two and one-half percent for services distributed as follows:

"1. One-ninth to the county general fund from which \$7,000.00 shall be credited to:

"(i) One-third to the Choctaw county rescue squad.

"(ii) One-third to the Choctaw county historical society.

"(iii) One-third to the Choctaw county library system.

"2. Of remainder, \$20,000.00 to Choctaw county board of education.

"3. Remainder up to \$90,000.00 to the county and municipalities on the basis of population.

"4. Of revenue in excess of \$90,000.00, 20 percent to the county board of education and remainder to the county and municipalities on the basis of population.

"f. Colbert county: One cent per twelve fluid ounces or fractional part thereof on all beer sold, within the county shall be paid to the probate judge and the proceeds shall be distributed by him or her as follows:

"Two-fifths to the hospital fund of the county;

"One-fifth to the county board of education for the benefit of the schools outside of the cities of Sheffield and Tuscumbia;

"One-tenth to the Tuscumbia board of education for the benefit of the schools of the city of Tuscumbia;

"One-tenth to the Sheffield board of education for the benefit of the schools of Sheffield; and

"One-fifth to the general fund of the county.

"For such services, the probate judge shall be entitled to commissions of two and one-half percent of all taxes collected.

"The remainder of the tax shall be paid to the municipalities where sold.

"g. Conecuh county: The entire amount of the tax shall be paid to the treasurer of Conecuh county, who, after first reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall distribute the remainder of the proceeds of said tax as follows: one-third to be prorated between the municipalities of Evergreen, Repton and Castleberry upon the basis of their respective populations; one-third to be paid over to the general fund of the county; and one-third to be paid to the Conecuh county board of education to be expended for educational purposes.

"h. Coosa county: The tax proceeds shall be paid by wholesalers as follows:

"1. One cent per container sold within the corporate limits of the municipalities within the county shall be paid directly to the municipalities where sold.

"2. The remainder of the tax shall be paid to the Coosa county commission and shall be distributed as follows:

"(i) Fifty percent shall be deposited in the public school fund of the county to be used solely for public school purposes of Coosa county.

"(ii) Fifty percent shall be deposited in the general fund of the county for general purposes of the county.

"i. Dale county: Any law to the contrary notwithstanding, in Dale county, the proceeds of the beer tax collected pursuant to this article shall be paid to the county commission and distributed as follows:

"1. 44.17 percent to the Dale county commission;

"2. The remaining 55.83 percent of the tax shall be distributed to each municipality according to beer sales in its respective corporate limits.

"j. Dallas county: The entire amount of the tax collected on sales outside of the area comprised by the corporate limits and police jurisdiction of the city of Selma shall be paid to the Dallas county commission.

"The tax collected on sales inside the corporate limits of the city of Selma and its police jurisdiction shall be paid as follows: 72.23 percent to be paid to the city and its board of education, with one-third of such 72.23 percent to be paid to the city and two-thirds of such 72.23 percent to be paid to the city board of education (the board of education of the city of Selma); and 27.77 percent to be paid to the Dallas county commission.

"k. Elmore county: The entire amount of tax shall be paid to the Elmore county commission or other governing body of Elmore county and the net revenue, after first reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed as follows: One-

half of the net revenue from the tax shall be paid to Elmore county board of education; one-half the tax collected on sales inside the corporate limits of any municipality within the county and one-fourth of the taxes collected on sales made within the police jurisdiction of any municipality in the county shall be paid to such municipality; and the balance shall be paid into the Elmore county general fund.

"l. Escambia county: The entire amount of tax shall be paid to the judge of probate of Escambia county and the net revenue, after first reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed, as follows: Two and one-half percent to the judge of probate; 60 percent of the remainder to be prorated among the municipalities within the county upon the basis of their respective populations; and 40 percent of the remainder to be prorated among the ~~city and county~~ local boards of education for educational purposes on the basis of the previous year's net enrollment of pupils.

"m. Etowah county: The entire amount of tax shall be paid to the Etowah county commission and the net revenue, after first reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed, as follows:

"1. For beer delivered for retail sale within the corporate limits of a municipality having a board of education, all such proceeds shall be distributed according to the following percentages: 20.83 1/3 percent to the Etowah county general fund; 20.38 1/3 percent to the ~~city and county~~ local boards of education of Etowah county, to be divided pro rata among them in accordance with the most recent average daily ~~attendance~~ membership figures, to be used only for capital outlay purposes, renovation and repairs; 58.33 1/3 percent to the general fund of the municipality.

"2. For beer delivered for retail sale outside the city or town limits, but within the police jurisdiction, of a municipality having a board of education, all such proceeds shall be distributed according to the following percentages: 12.50 percent to the Etowah county board of education, to be used for capital outlay purposes, renovation and repairs; 20.83 1/3 percent to the ~~city and county~~ local boards of education in Etowah county to be divided pro rata among them in accordance with the most recent average daily ~~attendance~~ membership figures, to be used for capital outlay purposes, renovation, and repairs; 29.16 2/3 percent to the general fund of the municipality; 37.50 percent to the Etowah county general fund.

"3. For beer delivered for retail sale within the city or town limits of a municipality not having a board of education, all such proceeds shall be distributed according to the following percentages: 20.83 1/3 percent to the Etowah county general fund; 20.83 1/3 percent to the ~~city and county~~ local boards of education in Etowah county, to be divided pro rata among them in accordance with the most recent average daily ~~attendance~~ membership figures, to be used for capital outlay purposes, renovation and repairs; 33.33 1/3 percent to the general fund of the

municipality; 25.00 percent to the Etowah county board of education to be used for capital outlay purposes, renovation and repairs;

"4. For beer delivered for retail sale outside the city or town limits, but within the police jurisdiction of a municipality not having a board of education, all such proceeds shall be distributed according to the following percentages: 16.66 $\frac{2}{3}$ percent to the general fund of the municipality; 20.83 $\frac{1}{3}$ percent to the ~~city and county~~ local boards of education within Etowah county to be divided pro rata among them in accordance with the most recent average daily ~~attendance~~ membership figures, to be used for capital outlay purposes, renovation and repairs; 25.00 percent to the Etowah county board of education, to be used for capital outlay purposes, renovation and repairs, 37.50 percent to the Etowah county general fund.

"5. For beer delivered for retail sale in locations which are within the boundaries of Etowah county, Alabama, but not within the corporate limits or police jurisdiction of any municipality, all such proceeds shall be distributed according to the following percentages: 20.83 $\frac{1}{3}$ percent to the ~~city and county~~ local boards of education in Etowah county divided in accordance with the most recent average daily ~~attendance~~ membership figures to be used for capital outlay purposes, renovation or repairs; 25.00 percent to the Etowah county board of education, to be used for capital outlay purposes, renovation or repairs; 54.16 $\frac{2}{3}$ percent to the Etowah county general fund.

"6. For draft beer sold and delivered within all areas in Etowah county, all proceeds shall be distributed according to the following percentage: 83.33 $\frac{1}{3}$ percent to the ~~city and county~~ local boards of education in Etowah county to be divided pro rata among them in accordance with the most recent average daily ~~attendance~~ membership figure to be used for capital outlay purposes, renovation and repairs; 16.66 $\frac{2}{3}$ percent to the municipalities in Etowah county within which draft beer is sold at retail, to be divided among them pro rata according to the population.

"n. Greene county: The entire amount of the tax shall be paid to the judge of probate of Greene county and distributed by him or her as follows: two and one-half percent to the probate judge as commission for collection and administration; two-fifths of the remainder to the general fund of the county; two-fifths of the remainder to the county board of education; and one-fifth prorated among the municipalities within the county upon the basis of their respective populations.

"o. Hale county: The entire amount of tax shall be paid to the Hale county commission or like governing body of Hale county and the net revenue, after first reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall be prorated among the county and municipalities therein upon the basis of their respective populations.

"p. Jefferson county: The tax as provided in subsection (a) of this section shall be paid by wholesalers to the director of revenue of Jefferson county. The

tax received by the director of revenue shall be divided into Funds A, B and C. Fund A shall receive four-ninths of the tax received; Fund B shall receive two-ninths of the tax received; and Fund C shall receive three-ninths of the tax received. Funds A, B and C shall be distributed by the director of revenue on a monthly basis as follows:

"1. Two percent of the net tax collected and placed in Fund A shall be paid to the general treasury of the county for the collection and distribution of said tax, and for the enforcement of the provisions of this article. The remaining amount in Fund A shall be distributed as follows:

"(i) Two-eighths shall be paid to the county board of education for the payment of salaries of public school teachers.

"(ii) Three-eighths shall be retained in the general treasury of the county.

"(iii) Three-eighths shall be distributed to the incorporated municipalities within the county upon the basis of their respective populations, according to the federal census at the time the distribution is made.

"2. Fund B shall be distributed to the municipalities in the county on the basis of the percentage of the beer taxed which was delivered to a retailer within the respective corporate limits of each municipality in the county.

"3. Fund C shall be distributed as follows:

"(i) Fifty percent, or \$2,000,000.00 annually, whichever is the greater, shall be paid to the Birmingham-Jefferson county transit authority or its successor.

"(ii) The balance shall be divided between the county and the incorporated municipalities within the county upon a population basis with the municipal share determined by the respective populations of said municipalities, and the county share by the population of the unincorporated areas thereof, according to the last federal census at the time the distribution is made.

"(iii) Of the total amount of the county share, five percent shall be allocated for fire protection and paramedic services and equipment in fire districts in the unincorporated areas of the county. Such distribution shall be made to each such fire district on a pro rata basis that the number of homes and businesses served in that district bears to the total number of homes and businesses served in all such fire districts in the unincorporated areas.

"q. Lee county: The entire amount of tax shall be paid to the Lee county commission or like governing body of Lee county and shall be distributed to the custodian of the county school fund, the custodian of the Opelika city school fund and the custodian of the Auburn city school fund in the same manner and at the same rate that the state minimum school program funds are distributed on the same basis as the total calculated costs of the foundation program for the local boards of education within the county. Provided however that any subsidy received shall be paid to the city of Auburn.

"r. Lowndes county: The tax proceeds shall be paid by wholesalers as follows:

"1. One cent shall be distributed to municipalities in the following manner:

"(i) One-third to municipalities that have an existing beer tax distributed on a population basis.

"(ii) Two-thirds to go to all municipalities including those that have an existing beer tax distributed on a population basis.

"2. One cent to be distributed as follows:

"(i) One-twelfth to the county board of education and three-twelfths to the probate judge for services rendered.

"(ii) Two-thirds to the county commission for the performance of services.

"3. The remainder to be equally divided between the public school fund and the juvenile service trust fund account.

"s. Macon county: The entire amount of tax shall be paid to the Macon county commission or like governing body of Macon county and the net revenue, after first reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by it as follows: Six-twelfths of the net proceeds shall be paid into the general fund of said county to be used for governmental purposes of the county as other moneys in the general fund; four-twelfths shall be apportioned and distributed to the city of Tuskegee and shall be deposited into its general fund to be used for governmental purposes of the city as other moneys in the general fund of said city are used; one-twelfth shall be apportioned and distributed to the town of Notasulga and deposited into the general fund of said town to be used for governmental purposes of the town as are other moneys in the general fund of said town; one-twelfth shall be apportioned and distributed to the town of Franklin and deposited into the general fund of said town to be used for governmental purposes of the town as are other moneys in the general fund of said town.

"t. Madison county: The proceeds of the tax shall be paid by wholesalers to the county commission or like governing body and shall be distributed as follows:

"1. One-eighteenth to the county general fund.

"2. The remainder of the tax shall be distributed to the municipality where sold, including its police jurisdiction. Provided, however, that the following municipalities shall receive a dollar amount no less than the dollar amount actually received during the base year 1982:

Gurley

New Hope

Owens Crossroads

Triana

Madison

"u. Marengo county: The entire amount of the tax shall be paid to the probate judge of Marengo county, who shall receive two and one-half percent of all taxes collected as compensation for administering this article and the remainder of the net revenue, after first reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by him or her as follows: The municipalities shall receive the taxes paid on all sales within the corporate limits and police jurisdiction of each municipality, and the county shall receive the tax on all sales made outside the corporate limits and police jurisdictions of all municipalities within the county.

"v. Mobile county: The entire amount of tax shall be paid to the license commissioner of Mobile county and the net revenue, after first reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by him or her as follows: One-half to the governing body of the municipality where the malt or brewed beverages are sold within its corporate limits; and the remainder to the board of school commissioners of Mobile county.

"w. Perry county: The tax shall be paid to the county governing body and be distributed as follows:

"1. Except as hereinafter provided in subparagraph 2 of this paragraph, the proceeds shall be distributed as follows:

"(i) The taxes collected on sales within the corporate limits of the municipality of Marion shall be paid to said municipality.

"(ii) The taxes collected on sales within the corporate limits of the municipality of Uniontown shall be paid to said municipality.

"(iii) The taxes collected on sales outside the police jurisdiction of a municipality and outside the corporate limits of any municipality shall be retained by the county.

"(iv) The taxes collected on sales outside of a municipality's corporate limits but within said municipality's police jurisdiction shall be distributed in the following manner:

"Three-fourths of the tax proceeds shall be retained by the county.

"One-fourth of the tax proceeds shall be paid to the municipality controlling said police jurisdiction.

"2. Until the conditions set forth in this subparagraph 2 have been satisfied, one-ninth shall be deducted from each of the foregoing distributions and retained by Perry county and earmarked for the purpose of purchasing mechanical voting machines with lever action and curtain and creating an election expense fund in the amount of \$20,000.00. Said voting machines shall be purchased by May 1, 1982, and said election expense fund shall be used to pay board of registrars members' compensation and for election supplies and materials, election handling, storage and other expense. When the cost of the voting machines and election expense fund have been collected by the county, the right to deduct pursuant to this subparagraph 2 shall expire and the entire proceeds shall be distributed pursuant to and in accordance with subparagraph 1 hereof.

"x. Russell county: The taxes shall be paid and distributed as follows:

"1. Payment of taxes collected by wholesalers.

"(i) All the taxes collected on sales within the corporate limits of the municipality of Phenix City shall be paid to said municipality.

"(ii) All the taxes collected on sales within the corporate limits of the municipality of Hartsboro shall be paid to said municipality.

"(iii) One-half the taxes collected on sales within the police jurisdiction of Phenix City and Hartsboro shall be paid to the respective municipality and the remaining one-half shall be paid to the county.

"(iv) All of the taxes on sales outside the corporate limits of any municipality and outside of any police jurisdiction shall be paid to the county.

"2. Distribution of county proceeds. All such taxes, after first reimbursing the county general fund for all expenses incurred in administration and enforcement of the tax, shall be used equally for the county school system and the county general fund. Of the moneys going to the county general fund, half of said amount shall be distributed to the volunteer fire departments in Russell county on a per department basis, who are recognized as legal fire districts.

"y. St. Clair county: The entire amount of tax shall be paid to the St. Clair county commission or like governing body of St. Clair county and the net revenue, after reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by it as follows: One-third cent per four fluid ounces or fraction thereof to the governing body of each municipality where beer is sold within its corporate limits and one-sixth cent per four fluid ounces or fraction thereof to the governing body of each municipality where beer

is sold within its police jurisdiction; the remainder to be distributed as follows: 25 percent to be paid to the road and building fund of the general fund of St. Clair county, which money shall be used for the operation of the St. Clair county road department, in the building and maintenance of all public roads and bridges in the county; 20.83 1/3 percent of the remainder to the St. Clair county board of education; 8.33 1/3 percent of the remainder to the St. Clair county library board to be used by the board for the use of libraries and/or book mobiles throughout the county; and 45.83 1/3 percent to the general fund of St. Clair county to be disbursed by the St. Clair county governing body as other funds of the county are disbursed.

"z. Shelby county: The entire amount of tax shall be paid to the Shelby county commission or like governing body of Shelby county to the credit of its county general fund and the net revenue, after first reimbursing the county general fund for all expenses incurred in the administration and enforcement of the tax, shall be disbursed as follows: Two-ninths of the net proceeds of such tax shall be paid to the Shelby county board of education; three-ninths of the net proceeds of such tax shall, on or before the 25th day of each month, be paid to the municipalities of Shelby county in the same ratio as the population of each municipality bears to the total population of all municipalities in Shelby county; two-ninths shall be paid into the Shelby county law enforcement personnel board fund to be used for the purposes set forth in Act No. 79-524, Acts of Alabama 1979; and the remaining two-ninths of the net proceeds shall remain in the Shelby county general fund to be disbursed by the county governing body.

"aa. Sumter county: The entire proceeds of the tax shall be paid to the county treasurer. After the payment of all cost of collection and enforcement of the tax, the treasurer shall pay into the general fund of each incorporated municipality four-ninths of the revenue produced within the corporate limits of said municipality and the remainder shall be paid into the general fund of the county, from which \$7,000.00 shall be credited to a legislative delegation fund to be controlled by the legislative delegation of Sumter county.

"bb. Talladega county: The tax shall be paid to the probate judge and, after deduction of all expenses of collecting and administering the tax, the proceeds of the tax shall be distributed as follows: After determining net revenue received in the base year (county plus all municipalities), distribution of future revenue to each entity presently receiving beer tax distributions shall be in the same proportion as each entity's revenue to the total net revenue was during the base year.

"The following entities shall be entitled to a share of beer tax revenue:

"Talladega County

Community of Munford

"Talladega County Board
"of Education

Community of Eastaboga
North Talladega County Association
for Retarded Citizens, Inc.

"City of Talladega

"City of Sylacauga

South Talladega County

"City of Childersburg

Association for Retarded Citizens, Inc.

"City of Lincoln

"Provided, however, that from the county share, the sum of \$6,500.00 shall be spent as follows:

"1. The sum of \$1,500.00 per annum shall be spent in the unincorporated community of Eastaboga for public projects for the benefit of said community;

"2. The sum of \$2,500.00 per annum shall be spent in the unincorporated community of Munford to provide rural health care in the existing rural health clinic in said community; and

"3. The sum of \$2,500.00 per annum shall be spent in the unincorporated community of Munford for youth activities, including the construction, improvement, lighting and maintenance of athletic playing fields.

"The North and South Talladega County Associations for Retarded Citizens, Inc. shall receive from the county the same proportion of revenue received during the base year (1982).

"Provided further, that the Talladega county board of education shall divide its share of the beer tax revenue between itself and the city boards of education now existing within the county ~~pro rata in the same manner as public school funds from the state are apportioned in said county under the minimum program fund law on the same basis as the total calculated costs of the foundation program for the local boards of education within the county.~~

"cc. Tallapoosa county: The tax, after converting all sales to cases equivalent to 24 12-ounce containers and after deducting the two and one-half percent discount authorized by this article, shall be paid by wholesalers as follows:

"1. Two cents per equivalent 12-ounce container sold or delivered to retail licensees within the county shall be paid to the custodian of public school funds of Tallapoosa county and shall be used and expended for public school purposes. Such funds shall be apportioned among the ~~county and city school systems~~ local boards of education on the same basis of the current ratio distribution formula used in apportionment of minimum program funds as the total calculated costs of the foundation program for the local boards of education within the county.

"2. The remainder of the tax shall be paid to the county commission or like governing body and distributed as follows:

"56.4 percent to Alexander City

"43.6 percent to the county for distribution, based on sales, either into the treasury of the municipalities (except Alexander City) in which the beer was sold or delivered by a wholesaler to a retailer within its corporate limits, or, where sold outside the corporate limits of any municipality into the treasury of the county.

"3. Any subsidy received under the provisions of this article shall be distributed as provided for in subparagraph 2 above.

"dd. Tuscaloosa county:

"1. Forty-five percent of the tax shall be paid to the probate judge of Tuscaloosa county and shall by him be distributed in the same manner as provided in Act 556 of the 1953 Regular Session of the Alabama Legislature; and 55 percent shall be paid to the probate judge of Tuscaloosa county and shall by him or her be distributed in accordance with Act 81-739 of the 1981 Regular Session of the Alabama Legislature.

"2. Any subsidy received by Tuscaloosa county pursuant to section 28-3-196 shall be paid and distributed among the county, municipalities and the Tuscaloosa county parks and recreation authority in accordance with the ratio of any net revenue loss of each such entity to the total subsidy paid to the county.

"ee. Wilcox county: The entire tax revenue shall be paid to the Wilcox county commission or like governing body of Wilcox county and disbursed as follows: Two and one-half percent of the gross tax receipts to be paid as to the probate judge of Wilcox county as a fee for the administration and enforcement; the remainder shall be disbursed as follows: 50 percent to be prorated between the incorporated municipalities in Wilcox county upon the basis of their respective populations; and 50 percent to be paid over to the general fund of the county. Provided, however, prior to the distribution provided for in this subsection, the sum of \$400.00 per month shall be paid to the Wilcox county civil defense agency.

"(3) Or, such tax shall otherwise be paid and disposed of in accordance with and pursuant to any local act or general act of local application hereafter enacted with respect to any county directing a different disposition or apportionment of the proceeds of the tax.

"(d)(1) For all purposes of enforcement of the provisions of this article, it is a prima facie presumption of law that any wholesaler or jobber subject to the article has accrued a liability for the taxes levied herein for the total amount of alcoholic beverages handled by it during any tax period under the article. The burden of proof is upon any such person to prove that any such alcoholic beverages disposed of in such a manner as not to become subject to the taxes imposed in this article were so disposed of in such a manner. It shall be the duty of any person subject to the privilege or license tax imposed by this article to keep full and complete records of all purchases, sales, receipts, inventories and of all other

matters from which the correct amount of privilege or license tax to which such person is subject may be ascertained; and, in the event that such person shall discontinue his or her business, he or she shall not destroy or dispose of such records until he or she shall have given the probate judge of the county 30 days' notice in writing of his or her intent to destroy or dispose of such records. The failure of such person to keep such records, or his or her destruction or disposition of such records without giving such notice, shall constitute a misdemeanor.

"(2) Upon demand by the probate judge or his or her authorized deputy, auditor or representative, it shall be the duty of any such person subject to the privilege or license tax imposed by this article to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of privilege or license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within the county, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of privilege or license tax to which such person is subject may be determined including exhibition of bank deposit books and bank statements; and any person failing or refusing to submit such records for such inspection and examination upon such demand, shall be guilty of a misdemeanor.

"(3) If any person subject to the provisions of this article does not have in such person's control or possession, within the county, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the privilege or license tax due, or if, having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection and examination as herein required, then, in either event, it shall be the duty of the probate judge of the county to ascertain, from such information and data as he may reasonably obtain, the correct amount of license tax due from such person and immediate payment of the amount of such privilege or license tax shall be made.

"(4) All records and reports filed in the probate office under this article shall be public records and shall be open to inspection by any person during all probate office hours.

"(5) The probate judge of the county shall provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license taxes authorized by this article. Each municipality within the county shall provide aid and assistance in collecting the taxes herein provided for within its territory. The probate judge may employ a person or persons to act as inspectors and otherwise to assist in the enforcement of the provisions of this article. The salary and expenses of such inspectors shall be paid out of the county general fund in such manner as is provided by law. Such inspectors shall have the same

powers relative to enforcement of the taxes hereby levied that law enforcement officers employed by the Alabama alcoholic beverage control board have relative to enforcing the state tax on spirituous liquors and on malt and brewed beverages. Any municipality in the county may also employ a special alcoholic beverage law enforcement officer for such municipality whose chief duty shall be enforcement of this article.

"(6) In addition to all other records and reports required under this article, each wholesale distributor shall, by the twentieth day of each month, file a report with the probate judge showing his or her inventory of beer on the first day of the preceding month, by brand and type of container, his or her inventory of beer on the last day of the preceding month, an accounting for all beer broken or damaged during the preceding month, proof of state authorization for transfers to other wholesale distributors, and a record of all beer in transit to such distributor from breweries.

"(7) In addition to all other records and reports required under this article, each private club shall file with the probate judge on or before the twentieth day of each month detailed inventory of all alcoholic beverages on hand on the first day and the last day of the preceding month, and a record of all purchases of alcoholic beverages made by it during the preceding month.

"(8) In addition to all other reports and records required under this article, each retail beer seller shall file with the probate judge on or before the twentieth day of each month a detailed inventory of all beer on hand on the first day and the last day of the preceding month.

"(9) The license of any wholesale distributor, private club, or retail seller failing or refusing to file the reports shall be suspended forthwith by the probate judge pending receipt of such report.

"(e) The tax herein levied is exclusive and shall be in lieu of all other or additional local taxes and licenses, county or municipal, imposed on or measured by the sale or volume of sale of beer; provided that nothing herein contained shall be construed to exempt the retail sales of beer from the levy of a tax on general retail sales by the county or municipality in the nature of, or in lieu of, a general sales tax."

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall be implemented with the beginning of the 1995-96 fiscal year.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 469. To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 466, was adopted.

Yeas 78; Nays 15.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Cams, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Buskey, Clark (W), Hall (L), Hilliard, Houston, Kennedy, Knight (J), McAdory, Melton, Minnifield, Mitchell, Newton (D) and Rogers (J).

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MOTION TO ADJOURN LOST

The motion offered by Representative Knight (J) that the House adjourn until 1:00 o'clock p.m., Tuesday, May 30, 1995, was lost.

H. 466 TAKEN UP

And the bill:

H. 466. (With Amendments): To establish an accountability plan which shall be overseen by the state board of education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be offered at all grade levels; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to assist local boards of education who have a majority of their

schools in which a majority of their students are scoring at one grade level or more below the national norms. This bill provides for state intervention of a school or a local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to require the state superintendent of education to develop a plan to reduce the paperwork required to be completed by classroom teachers.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 466 on Page 5, line 5 by striking the word ~~recommend~~ and inserting in lieu thereof the word requires

Further amend the bill on page 5, line 7 by striking the words ~~such as~~ and inserting in lieu thereof the following: including

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 466 on page 7, by adding after line 8 the following new subsection (h):

"(h) The State Board of Education and all local boards shall develop and implement within ninety (90) days of the effective date of this Act a comprehensive character education program for all grades to consist of not less than ten minutes instruction per day focusing upon the students' development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, patience, creativity, sportsmanship, loyalty, and perseverance. Each plan of instruction shall include the Pledge of Allegiance to the American Flag."

Further amend the bill on page 1, line 13 and on page 2, line 16 by adding after the semicolon the following: "provide for the development of a character education program by the state and local boards of education;"

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 83; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Clouse, Gaines, Hall (L), Knight (A), McKee, Moore, Parker (P) and Thomas (D).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Graham intended to vote "Yea" on adoption of the amendment #2 relating to the bill, H. 466, as amended.

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 466, page 5, line 23, by inserting following the period, a new sentence to read: Nothing in this Act shall be construed to diminish the current requirements of the State Board of Education with respect to Health and Physical Education instruction in grades K-12 or to reduce the effect of Titles 16-17 §16-40-1, Code of Alabama, 1975, regarding Health and Physical Education.

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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The question was then on the adoption of the amendment #4 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 466 on Page 5, Line 2 following the word "history" by inserting the words music history, fine arts history,".

AMENDMENT ADOPTED

And the amendment #4 was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-91

The question was then on the adoption of the amendment #5 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 3, line 28, delete the language "vocational education as needed" and insert in lieu thereof: vocational/technical education

On page 5, lines 13, 14, 15, and 16, delete the language "The legislature further recognizes that the required courses may make it difficult to schedule students in vocational programs earning two or more credits annually."

On page 5, line 17, delete the language "continue to"

On page 5, line 18, delete the language "as needed"

On page 7, after line 8, insert the following new subsection:

(i) The state board of education shall adopt necessary policies, procedures, rules, regulations, and/or standards to ensure quality vocational/technical education programs.

On page 9, line 19, delete the language "(school)" and insert in lieu thereof: (school, area vocational/technical center)

On page 10, line 28, insert after the word "school" the following language: and area vocational/technical center

On page 10, line 31, insert after the word "funds" the following language: and/or vocational/technical education funds

On page 11, line 7, before the language "In order for" insert the following:
(a)

On page 11, after line 14, insert the following new subsection:

(b) In order for a local board of education to participate in the state vocational/technical education program certain conditions must be met. The teacher salary schedule of the local board of education must be at least 95 percent of the amount specified within the state salary matrix adjusted for extended contracts delineated by cell for the type of degree and years of experience of each teacher. All funds allocated to a local board of education for teacher salaries must be spent for salaries in the instructional program.

On page 11, line 15, after the language "BUDGET REQUIREMENTS" insert the following language: FOR FOUNDATION AND VOCATIONAL/TECHNICAL EDUCATION PROGRAM

On page 11, line 16, before the language "It is the intent" insert the following language: (a) Foundation Program.

On page 12, line 17, delete the language "(a)" and insert in lieu thereof: (1)

On page 12, line 20, delete the language "(b)" and insert in lieu thereof: (2)

On page 12, line 23, delete the language "(c)" and insert in lieu thereof: (3)

On page 12, line 26, delete the language "(d)" and insert in lieu thereof: (4)

On page 12, line 29, delete the language "(e)" and insert in lieu thereof: (5)

On page 13, line 1, delete the language "(f)" and insert in lieu thereof: (6)

On page 13, line 5, delete the language "(g)" and insert in lieu thereof: (7)

On page 13, after line 8, insert the following new subsection:

(b) Vocational/Technical Education Program. It is the intent of the legislature to see that funds allocated for classroom instructional support actually reach the classroom. To that end, the State Department of Education shall monitor the flow of funds appropriated for various instructional support which shall be defined as those funds appropriated for instructional supplies, textbooks, technology, and professional development. The Legislature believes that the classroom instructional support funds have a direct impact upon the ability of classroom teachers to have the resources and assistance necessary to assist them in the performance of their responsibilities. School budgets for classroom instructional support shall be

developed within each school using the procedures outlined in Section 16-36-29.1 and as is required by Sections 16-8-10 and 16-11-18 of the Code of Alabama 1975. It is the intent of the Legislature that teachers shall have direct input in the development of their school's budget for classroom instructional support and in the expenditure of these funds. The Legislature realizes that teachers and principals cannot be held accountable unless they have the authority to use resources provided them by legislative appropriations. As each school's budget is developed, local boards of education shall ensure classroom teachers are given the opportunity to make decisions concerning the appropriate use and expenditures of classroom instructional support funds. Where the principal or the teachers have not been granted the right to have direct input in the development of their school's budget or are restrained in the expenditure of classroom instructional support funds, they may petition the State Superintendent of Education for relief pursuant to rules and regulations promulgated by the State Department of Education. Because the Legislature believes classroom instructional support funds to be critically important, the following conditions will apply to the budgeting process of each local board of education:

(1) Classroom instructional materials and supplies must be budgeted for all teachers at the rate appropriated per teacher unit by the Legislature in the vocational/technical education program.

(2) Textbook funds must be budgeted for all students based on the rate appropriated per student by the Legislature in the vocational/technical education program.

(3) Professional development funds must be budgeted for all teachers based on the rate appropriated per teacher unit by the Legislature in the vocational/technical education program.

(4) In addition to classroom instructional support, leave (sick and personal) must be budgeted for all teachers based on the number of days and rate per day used by the Legislature in calculating the cost in the vocational/technical education program.

MOTION TO TABLE LOST

The motion offered by Representative Turner to table the amendment #5 offered by the Standing Committee on Ways and Means to the bill, H. 466, as amended, was lost.

Yeas 43; Nays 50.

Yea:

Representatives Black (M), Carns, Carter, Clouse, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gipson, Guin, Hamilton, Hammett, Haney,

Hawkins, Hinshaw, Hogan, Holmes, Hooper, Jorgensen, Knight (A), Laird, Lindsey, McKee, McMillan, Moore, Newton (C), Papucci, Parker (P), Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Turner, White and Wren.

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Nay:

Representatives Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carothers, Clark (W), Crigler, Dolbare, Fuller, Gaston, Graham, Hall (A), Hall (L), Hawk, Hayden, Hill, Hilliard, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Letson, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (T), Payne, Robinson, Smith, Spratt, Thomas (J), Townsend, Vance, Venable, Warren and Willis.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment #5 reported by the Standing Committee on Ways and Means, and the committee amendment #5 was adopted.

Yeas 71; Nays 19.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Collins, Crigler, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (P), Payne, Pringle, Reed, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and White.

-71

Nay:

Representatives Baker, Carns, Clouse, Dean, Dolbare, Drake, Gaines, Haney, Hawkins, McKee, McMillan, Moore, Papucci, Penry, Seibenhener, Sims, Turner, Willis and Wren.

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The question was then on the adoption of the amendment #6 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 9, line 19, delete the language "(school)" and insert in lieu thereof: (school, area vocational/technical center)

AMENDMENT ADOPTED

And the amendment #6 was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

The question was then on the adoption of the amendment #7 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 11, line 7, before the language "In order for" insert the following:
(a)

On page 11, after line 14, insert the following new subsection:

(b) In order for a local board of education to participate in the state vocational/technical education program certain conditions must be met. The teacher salary schedule of the local board of education must be at least 95 percent of the amount specified within the state salary matrix adjusted for extended contracts delineated by cell for the type of degree and years of experience of each teacher. All funds allocated to a local board of education for teacher salaries must be spent for salaries in the instructional program.

AMENDMENT TABLED

On motion of Representative Turner, the committee amendment #7 was tabled.

Yeas 45; Nays 43.

Yea:

Representatives Allen, Baker, Black (M), Carns, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Guin, Hamilton, Hammett, Haney, Hawkins, Hinshaw, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Laird, Lindsey, McKee, McMillan, Moore, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Sanderford, Seibenhener, Sims, Thomas (D), Turner, Venable, Willis and Wren.

-45

Nay:

Representatives Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Crigler, Fuller, Gaston, Hall (A), Hall (L), Hawk, Hayden, Hill, Hilliard, Houston, Johnson (R), Kennedy, Knight (J), Letson, McClammy, McDaniel, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Payne, Perdue, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Townsend, Vance and Warren.

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The question was then on the adoption of the amendment #8 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 11, line 15, after the language "BUDGET REQUIREMENTS" insert the following language:

FOR FOUNDATION AND VOCATIONAL/TECHNICAL EDUCATION PROGRAM

On page 11, line 16, before the language "It is the intent" insert the following language: (a) Foundation Program.

On page 12, line 17, delete the language "(a)" and insert in lieu thereof: (1)

On page 12, line 20, delete the language "(b)" and insert in lieu thereof: (2)

On page 12, line 23, delete the language "(c)" and insert in lieu thereof: (3)

On page 12, line 26, delete the language "(d)" and insert in lieu thereof: (4)

On page 12, line 29, delete the language "(e)" and insert in lieu thereof: (5)

On page 13, line 1, delete the language "(f)" and insert in lieu thereof: (6)

On page 13, line 5, delete the language "(g)" and insert in lieu thereof: (7)

On page 13, after line 8, insert the following new subsection:

(b) Vocational/Technical Education Program. It is the intent of the legislature to see that funds allocated for classroom instructional support actually reach the classroom. To that end, the State Department of Education shall monitor the flow of funds appropriated for various instructional support which shall be defined as those funds appropriated for instructional supplies, textbooks, technology, and professional development. The Legislature believes that the classroom instructional support funds have a direct impact upon the ability of classroom teachers to have the resources and assistance necessary to assist them in the performance of their responsibilities. School budgets for classroom instructional support shall be developed within each school using the procedures outlined in Section 16-36-29.1 and as is required by Sections 16-8-10 and 16-11-18 of the Code of Alabama 1975. It is the intent of the Legislature that teachers shall have direct input in the development of their school's budget for classroom instructional support and in the expenditure of these funds. The Legislature realizes that teachers and principals cannot be held accountable unless they have the authority to use resources provided them by legislative appropriations. As each school's budget is developed, local boards of education shall ensure classroom teachers are given the opportunity to make decisions concerning the appropriate use and expenditures of classroom instructional support funds. Where the principal or the teachers have not been granted the right to have direct input in the development of their school's budget or are restrained in the expenditure of classroom instructional support funds, they may petition the State Superintendent of Education for relief pursuant to rules and regulations promulgated by the State Department of Education. Because the Legislature believes classroom instructional support funds to be critically important, the following conditions will apply to the budgeting process of each local board of education:

(1) Classroom instructional materials and supplies must be budgeted for all teachers at the rate appropriated per teacher unit by the Legislature in the vocational/technical education program.

(2) Textbook funds must be budgeted for all students based on the rate appropriated per student by the Legislature in the vocational/technical education program.

(3) Professional development funds must be budgeted for all teachers based on the rate appropriated per teacher unit by the Legislature in the vocational/technical education program.

(4) In addition to classroom instructional support, leave (sick and personal) must be budgeted for all teachers based on the number of days and rate per day used by the Legislature in calculating the cost in the vocational/technical education program.

AMENDMENT TABLED

On motion of Representative Turner, the committee amendment #8 was tabled.

Yeas 51; Nays 44.

Yea:

Representatives Allen, Baker, Black (M), Carns, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hinshaw, Holmes, Hooper, Johnson (E), Jorgensen, Knight (A), Lindsey, Maull, McKee, McMillan, Moore, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Venable, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Crigler, Fuller, Gaston, Hall (A), Hall (L), Hawk, Hayden, Hill, Hilliard, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Laird, Letson, McAdory, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Perdue, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Vance and Warren.

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AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 466, as amended:

Amend H. 466 on Page 11, Line 29, after the word "Alabama" add the following: or as required by the enrolled Senate Bill 256 of the 1995 Regular Session of the Legislature of Alabama relating to the adoption of school board policies

Further amend H. 466 on Page 11, Line 29, after the word "and" by striking ~~16-11-8~~ and inserting in lieu thereof 16-11-18

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 466, as amended:

Amend H. 466 as introduced on Page 12, line 31 after the word "program." by inserting the following language: The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Not less than 50% of the above appropriation is to be expended for books. Other expenditures may include book binding, repair, CD Roms, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton,

Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 466, as amended:

Amend House Bill 466 on page 5, line 2 by adding after "history" the following: "Including Afro-American History,".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 56; Nays 29.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Dolbare, Drake, Fuller, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Maull, McAdory, McMillan, Melton, Millican, Minnifield, Mitchell, Newton (D), Page, Parker (P), Penry, Reed, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Vance, Venable, Warren, White and Willis.

-56

Nay:

Representatives Burke, Carns, Clouse, Crigler, Curry, Dean, Gaines, Gaston, Hall (A), Haney, Hill, Jorgensen, Knight (A), Layson, Letson, McDaniel, McKee, Moore, Morrow, Murphree, Papucci, Payne, Petelos, Pringle, Sanderford, Sanderson, Sims, Thomas (D) and Townsend.

-29

AMENDMENT OFFERED

Representative Burke offered the following amendment to the bill, H. 466, as amended:

To amend H. 466 as amended on page 5, line 3 by adding after the word "History" the following: "including Confederate History"

MOTION TO TABLE LOST

The motion offered by Representative Turner to table the amendment offered by Representative Burke to the bill, H. 466, as amended, was lost.

Yeas 18; Nays 69.

Yea:

Representatives Buskey, Hall (L), Hammett, Hawk, Hinshaw, Holmes, Houston, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Parker (P), Reed, Robinson and Rogers (J).

-18

Nay:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, White, Willis and Wren.

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MOTION IN WRITING OFFERED

Representative Sims offered the following Motion in Writing relating to the bill, H. 466, as amended:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost.

Yeas 32; Nays 29.

Yea:

Representatives Allen, Burke, Carns, Clouse, Dean, Dolbare, Ford, Gaines, Guin, Hall (A), Haney, Hawkins, Hill, Hooper, Knight (A), Letson, Moore, Morrow, Murphree, Papucci, Parker (T), Pringle, Reed, Sanderford, Sanderson, Sims, Thomas (D), Townsend, Turner, Turnham, White and Willis.

-32

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Clark (W), Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, McKee, McMillan, Melton, Mitchell, Newton (D), Parker (P), Payne, Penry, Rogers (J), Smith, Spratt and Thomas (J).

-29

AMENDMENT WITHDRAWN

At the request of Representative Burke, the amendment previously offered by him to the bill, H. 466 as amended, was withdrawn.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 469. To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

TOMMY CARTER
Chairman

And the bill, H. 469, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 471. To require that funding for benefits provided under the Teachers' Retirement System and the Public Education Employees' Health Insurance Plan be submitted by the employer whose employees are covered, in the same manner as is done with the Employees' Retirement System of Alabama and the State Employees' Health Insurance Plan; to amend Sections 16-25-9, 16-25-15, 16-25-16, 16-25-21, 16-25-45, 16-25-62, 16-25-82, 16-25-103, 16-25A-8, 16-25A-17, 36-27-21.1, 36-27-21.3, and 36-27-21.4 of the Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 471, as engrossed, was ordered sent to the Senate.

H. 466 RESUMED

MOTION TO RECONSIDER OFFERED

Having voted on the prevailing side, Representative Hooper offered the motion to reconsider the vote by which the amendment offered by Representative Knight (J) to the bill, H. 466, as amended, was adopted.

MOTION TO TABLE LOST

The motion offered by Representative Roger (J) to table the motion offered by Representative Hooper to reconsider the vote by which the amendment offered by Representative Knight (J) to the bill, H. 466, as amended, was adopted, was lost.

Yeas 19; Nays 55.

Yea:

Representatives Baker, Bandy, Buskey, Clark (W), Hall (L), Hayden, Hilliard, Holmes, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, Melton, Mitchell, Newton (D), Parker (P), Reed and Spratt.

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Nay:

Representatives Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Haney, Hawkins, Hill, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, White, Willis and Wren.

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MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Representative Hooper to reconsider the vote by which the amendment offered by Representative Knight (J) to the bill, H. 466, as amended, was adopted, and the motion to reconsider was adopted.

Yeas 64; Nays 17.

Yea:

Representatives Allen, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Maull, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, White and Willis.

-64

Nay:

Representatives Baker, Black (L), Boyd, Buskey, Clark (W), Hall (L),

Hayden, Holmes, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Mitchell, Newton (D) and Rogers (J).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hilliard intended to vote "Nay" on the motion offered by Representative Hooper to reconsider the vote by which the amendment offered by Representative Knight (J) to the bill, H. 466, as amended, was adopted.

AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative Knight (J) to the bill, H. 466, as amended, and on motion of Representative Turner, the amendment was tabled.

Yeas 49; Nays 25.

Yea:

Representatives Allen, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Gaines, Gaston, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Letson, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Murphree, Papucci, Parker (T), Payne, Pringle, Sanderford, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Willis and Wren.

-49

Nay:

Representatives Baker, Black (L), Black (M), Boyd, Buskey, Clark (W), Dolbare, Hall (L), Hilliard, Hinshaw, Holmes, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Newton (D), Page, Parker (P), Rogers (J), Spratt and Starkey.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said

committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 468. To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 468, as engrossed, was ordered sent to the Senate.

H. 466 RESUMED

MOTION TO CARRY OVER TABLED

On motion of Representative Turner, the motion offered by Representative Kennedy to carry over the bill, H. 466, as amended, to the thirteenth legislative day, was tabled.

Yeas 67; Nays 24.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper,

Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, White, Willis and Wren.

-67

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Hall (A), Hall (L), Hawk, Hayden, Houston, Jackson, Johnson (E), Kennedy, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Perdue, Reed, Rogers (J), Spratt and Thomas (J).

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MOTION TO CARRY OVER TABLED

On motion of Representative Turner, the motion offered by Representative Minnifield to carry over the bill, H. 466, as amended, to the twelfth legislative day, was tabled.

Yeas 65; Nays 29.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, White, Willis and Wren.

-65

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Hall (A), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Morrow, Newton (D), Parker (P), Perdue, Reed, Robinson, Rogers (J), Spratt and Thomas (J).

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MOTION TO ADJOURN LOST

The motion offered by Representative Melton that the House adjourn until 1:00 o'clock p.m., Tuesday, May 30, 1995, was lost.

Yeas 25; Nays 66.

Yea:

Representatives Bandy, Black (L), Boyd, Buskey, Crigler, Hawk, Hayden, Hilliard, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Perdue, Reed, Robinson, Rogers (J), Spratt and Thomas (J).

-25

Nay:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, White, Willis and Wren.

-66

H. 466 RESUMED

And the bill:

H. 466. To establish an accountability plan which shall be overseen by the state board of education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be offered at all grade levels; provide for the development of a character education program by the state and local boards of education; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to assist local boards of education who have a majority of their schools in which a majority of their students are scoring at one grade level or more below the national norms. This bill provides for state intervention of a school or a

local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to require the state superintendent of education to develop a plan to reduce the paperwork required to be completed by classroom teachers.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 15.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-78

Nay:

Representatives Bandy, Black (L), Buskey, Clark (W), Hall (L), Hilliard, Jackson, Kennedy, Knight (J), McClammy, Mitchell, Newton (D), Rogers (J), Spratt and Thomas (J).

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RESOLUTIONS

The following resolution was introduced:

By Representative Laird:

H.J.R. 192. MOURNING THE DEATH OF MARK WINDSOR OF ROANOKE, ALABAMA.

The resolution, H.J.R. 192, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Laird:

H.R. 193. MOURNING THE DEATH OF MARK WINDSOR OF ROANOKE, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Jorgensen, Hinshaw, Haney, Sanderford, Carter, Hall (L) and Hammett:

H.J.R. 194. EXPRESSING SYMPATHY AND SUPPORT FOR STORM VICTIMS IN NORTH ALABAMA.

The resolution, H.J.R. 194, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hilliard:

H.R. 195. COMMENDING DERON EARL DAVIS OF HUEYTOWN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Representative Ford:

H.J.R. 196. URGING STATE AGENCIES NOT TO GRANT FINANCIAL ASSISTANCE TO ANY EMPLOYER WHO SOLICITS OR ADVERTISES FOR PERMANENT OR TEMPORARY REPLACEMENT EMPLOYEES DURING A LABOR DISPUTE.

The resolution, H.J.R. 196, was read and referred to the Standing Committee on Rules.

Also:

By Representative Ford:

H.R. 197. URGING STATE AGENCIES NOT TO GRANT FINANCIAL ASSISTANCE TO ANY EMPLOYER WHO SOLICITS OR ADVERTISES FOR PERMANENT OR TEMPORARY REPLACEMENT EMPLOYEES DURING A LABOR DISPUTE.

The resolution, H.R. 197, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hayden:

H.R. 198. COMMENDING REESE E. BILLINGSLEA FOR OUTSTANDING CONTRIBUTIONS AND SERVICE ON THE OCCASION OF HIS RETIREMENT.

Also:

By Representative Hayden :

H.R. 199. HONORING KEITA S. MAY OF STILLMAN COLLEGE, FOR OUTSTANDING ACHIEVEMENTS.

Also:

The following resolutions were introduced:

By Representatives Mitchell, Kennedy, Clark (W) and Buskey:

H.J.R. 200. MOURNING THE DEATH OF ANNIE PEARL RICHARDSON OF MOBILE, ALABAMA.

The resolution, H.J.R. 200, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hogan:

H.J.R. 201. RECOGNIZING AND COMMENDING THE JEFFERSON LOVELL CHAPTER #2575, UNITED DAUGHTERS OF THE CONFEDERACY, JASPER, ALABAMA.

The resolution, H.J.R. 201, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Sanderford, Haney, Papucci, Hinshaw, Hall (A) and Hall (L):

H.R. 202. COMMENDING NANCY CARTER BILLINGS OF HUNTSVILLE, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Sanderford, Haney, Papucci, Hinshaw, Hall (A) and Hall (L):

H.J.R. 203. COMMENDING NANCY CARTER BILLINGS OF HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 203, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Pringle:

H.R. 204. COMMENDING THE DAVIDSON HIGH SCHOOL SYMPHONIC BAND OF MOBILE, ALABAMA, AND DIRECTOR TONY PIKE FOR OUTSTANDING ACHIEVEMENT.

ADJOURNMENT

On motion of Representative Murphree, the House adjourned until 1:00 o'clock p.m., Tuesday, May 30, 1995.

TWELFTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, May 30, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Todd Henderson, Carbon Hill First United Methodist Church, Carbon Hill, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gray Marlow, 8th Grade, St. James School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, June 1, 1995, and the motion was adopted.

SPECIAL ORDER CALENDAR CONTINUED

The House then proceeded with the consideration of the Special Order Calendar adopted on the eleventh legislative day.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 467, was adopted.

Yeas 80; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Mauli, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Black (L), Buskey, Hall (L), Hayden, Jackson, Kennedy, Knight (J), McClammy, Minnifield and Newton (D).

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 466. To establish an accountability plan which shall be overseen by the state board of education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be offered at all grade levels; provide for the development of a character education program by the state and local boards of education; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to assist local boards of education who have a majority of their schools in which a majority of their students are scoring at one grade level or more below the national norms. This bill provides for state intervention of a school or a local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to require the state superintendent of education to develop a plan to reduce the paperwork required to be completed by classroom teachers.

TOMMY CARTER
Chairman

And the bill, H. 466, as engrossed, was ordered sent to the Senate.

H. 467 TAKEN UP

And the bill:

H. 467. To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

was taken up.

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment to the bill, H. 467:

On page 2, line 9, after the language "graduation." insert the following: Notwithstanding any other provisions of this act, a person can, at any time, elect to not be a teacher candidate.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

AMENDMENT OFFERED

Representative Kennedy offered the following amendment to the bill, H. 467, as amended:

On page 1, line 11, delete the language "graduation" and insert in lieu thereof the following: certification

On page 1, delete lines 20, 21, and 22 in their entirety and insert in lieu thereof the following: requirements for teacher education; to require that

On page 2, delete line 7 in its entirety and insert in lieu thereof the following: Each teacher candidate shall

On page 2, line 9, delete the language "graduation" and insert in lieu thereof the following: certification

AMENDMENT TABLED

On motion of Representative McMillan, the amendment offered by Representative Kennedy to the bill, H. 467, as amended, was tabled.

Yeas 61; Nays 28.

Yea:

Mr. Speaker, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Moore, Morrow, Morton, Murphree, Papucci, Payne, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-61

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Dolbare, Hall (L), Hawk, Hayden, Hilliard, Houston, Jackson, Johnson (E), Kennedy, Knight (A), McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Parker (P), Perdue, Petelos, Reed, Robinson, Rogers (J) and Spratt.

-28

AMENDMENT OFFERED

Representative Thomas (J) offered the following amendment to the bill, H. 467, as amended:

Amend House Bill 467 on page 2, line 8 by deleting the word "pass" and inserting in lieu thereof the word "take".

Further amend the bill on page 2, after line 21 by inserting the following new Section 3 and renumbering all subsequent sections accordingly.

"Section 3. Any candidate for teacher certification in the state of Alabama shall submit to the State Department of Education, prior to receiving certification, evidence of passing an approved national teacher examination. This section shall apply only to individuals seeking first time certification and not to individuals renewing teacher certificates."

AMENDMENT TABLED

On motion of Representative McMillan, the amendment offered by Representative Thomas (J) to the bill, H. 467, as amended, was tabled.

Yeas 62; Nays 25.

Yea:

Mr. Speaker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-62

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Dolbare, Hall (L), Hawk, Hayden, Hilliard, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Perdue, Reed, Rogers (J), Spratt and Thomas (J).

-25

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the bill, H. 467, as amended:

On page 2, line 22, insert the following new Section 3 and renumber the existing Section 3 and subsequent sections accordingly:

Section 3. In order to ensure legislation concerning educational matters may be properly enacted and implemented, each member of the Legislature, at the beginning of every term of office, shall pass a legislative competency test prepared by the Alabama Law Institute. The test shall assess the knowledge of each member of the Legislature on each of the following subjects:

1. Legislative Procedure.
2. Parliamentary Procedure.
3. Rules of Their Respective House
4. The Constitution of Alabama of 1901.

The test scores of each member shall be made public.

On page 1, line 27, after "certified" insert: and to require members of the Legislature to take a legislative test each legislative term

AMENDMENT NOT GERMANE

The question was then on the adoption of the amendment offered by Representative Holmes to the bill, H. 467, as amended; however, a point of order was raised by Representative McMillan that the amendment was not germane to the bill, and the point of order was sustained by the Chair.

APPEAL OF RULING OF THE CHAIR LOST

The motion offered by Representative Holmes appealing the ruling of the Chair that the amendment offered by him was not germane to the bill, H. 467, as amended, was lost.

Yeas 9; Nays 72.

Yea:

Representatives Bandy, Hayden, Holmes, Johnson (E), Knight (J), McAdory, McClammy, Mitchell and Rogers (J).

Nay:

Mr. Speaker, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-72

MOTION IN WRITING OFFERED

Representative Gaines offered the following Motion in Writing relating to the bill, H. 467, as amended:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 56; Nays 33.

Yea:

Representatives Allen, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Layson, Lindsey, McKee, McMillan, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-56

Nay:

Representatives Baker, Bandy, Black (L), Buskey, Clark (W), Galliher, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Newton (D), Parker (P), Payne, Perdue, Reed, Robinson, Rogers (J), Smith, Spratt, Thomas (J) and Venable.

-33

And the bill:

H. 467. To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 20.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-76

Nay:

Representatives Bandy, Black (L), Buskey, Clark (W), Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Rogers (J) and Thomas (J).

-20

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 470, was adopted.

Yeas 77; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes,

Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maul, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Willis and Wren.

-77

Nay:

Representatives Hall (L), Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Parker (P) and Rogers (J).

- 8

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 467. To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

TOMMY CARTER
Chairman

And the bill, H. 467, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 73. COMMENDING MICHAEL C. PATTON ON THE OCCASION OF HIS RETIREMENT.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

H. 470 TAKEN UP

And the bill:

H. 470. To provide for immunity for teachers to use corporal punishment or otherwise maintain order when exercising such authority within his or her local board of education's policy; to require the local board of education to legally defend such teacher against civil charges; to further provide for warrants of arrest to be issued by the local board of education or its employees against a perpetrator when a teacher is assaulted; to exempt teachers from application of Title 25 Code of Alabama regarding child abuse when exercising corporal punishment or maintaining order within the local board of education's policy.

was taken up.

AMENDMENT OFFERED

Representative Morton offered the following amendment #1 to the bill, H. 470:

Amend House Bill 470 on page 1, line 14 by striking the period and adding the following: "and further provides for immunity for other duly authorized school personnel."

Further amend the bill on page 1, line 29 by striking the period and adding the following: "; to provide for immunity for other duly authorized school personnel."

Further amend the bill on page 3, after line 15 by adding a new Section 4 and renumbering succeeding sections accordingly:

"Section 4. It is the intent of the Legislature to include under the provisions of this bill, principals, assistant principals and any other school personnel authorized to use corporal punishment under the policies and guidelines developed by the local board of education."

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 78; Nays 3.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and White.

-78

Nay:

Representatives Hilliard, Newton (D) and Parker (P).

- 3

AMENDMENT OFFERED

Representative Morton offered the following amendment #2 to the bill, H. 470, as amended:

To amend H. 470 on page 3, line 9 by adding after the period the following: "The local board of education shall provide, before the beginning of the school year, a time for all board employees to read and review the written board policies concerning corporal punishment."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 74; Nays 4.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Warren and White.

-74

Nay:

Representatives Burke, Dolbare, Mitchell and Parker (P).

- 4

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment to the bill, H. 470, as amended:

On page 1, line 24, after the words "civil charges;" add the following: to provide immunity for teachers and administrators who report suspected drug abuse;

On page 3, after line 1 to 5, add the following additional Section 4 and renumber the remaining sections.

Section 4. A teacher or administrator who, in good faith, reports suspected drug abuse by a student to the appropriate authorities shall be immune from civil or criminal liability.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 12.

Yea:

Mr. Speaker, Allen, Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-67

Nay:

Representatives Black (M), Dolbare, Holmes, Jackson, Knight (J), McAdory, Minnifield, Newton (D), Parker (P), Rogers (J), Spratt and Thomas (J).

-12

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morrison intended to vote "Nay" on adoption of the amendment offered by Representative Knight (A) to the bill, H. 470, as amended.

AMENDMENT OFFERED

Representative Newton (D) offered the following amendment #1 to the bill, H. 470, as amended:

On page 2, line 28, delete the word "shall", and insert in lieu thereof the following may

On page 2, line 30, delete the word "shall", and insert in lieu thereof the following: may

AMENDMENT TABLED

On motion of Representative Hooper, the amendment #1 offered by Representative Newton (D) to the bill, H. 470, as amended, was tabled.

Yeas 57; Nays 34.

Yea:

Representatives Allen, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McKee, Millican, Moore, Morrow, Morton, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Vance, Warren, Willis and Wren.

-57

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Buskey, Clark (W), Hall (L), Hammett, Hawk, Hayden, Hilliard, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Murphree, Newton (C), Newton (D), Page, Parker (T), Perdue, Reed, Rogers (J), Rogers (M), Spratt, Starkey, Turnham, Venable and White.

-34

AMENDMENT OFFERED

Representative Newton (D) offered the following amendment #2 to the bill, H. 470, as amended:

On page 3, after the number "1975" add the following: , relating to child abuse of students

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson,

Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

AMENDMENT OFFERED

Representative Sanderson offered the following amendment to the bill, H. 470, as amended:

On page 1, line 27, delete "25", and insert in lieu thereof the following: 26

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

Nay:

Representative Newton (D).

- 1

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 470, as amended:

To amend H. 470 on page 1, line 22 by striking the words "local board of education's" and inserting in lieu thereof the following: "employing agency's"

Further amend the bill on page 2 line 1 by striking the word "public".

Further amend the bill on page 2 line 14 by striking "local board of education" and inserting in lieu thereof the following: "employing agency".

AMENDMENT TABLED

On motion of Representative Hooper, the amendment offered by Representative Rogers (J) to the bill, H. 470, as amended, was tabled.

Yeas 72; Nays 19.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-72

Nay:

Representatives Bandy, Black (L), Burke, Buskey, Hall (L), Hayden, Hilliard, Holmes, Jackson, Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Morrison, Newton (D), Perdue and Reed.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 88. Relating to Sumter County; providing for the distribution of certain funds received by the county from the disposal of hazardous waste; and to provide for retroactive effect.

Also:

H. 418. Relating to Pickens County; providing for the fee for the issuance of pistol permits; providing for the deposit of fees in a fund known as the Sheriff's Pistol Permit Fund; and providing for the use of the fund and repealing Act No. 529, H. 574 of the 1971 Regular Session (Acts 1971, p. 1256) and Act No. 83-551, H. 520 of the 1983 Regular Session (Acts 1983, p. 850).

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 78. Relating to the compensation of the Morgan County Superintendent of Education; amending Section 1 of Act No. 91-477, H. 578 of the 1991 Regular Session (Acts 1991, p. 865), to further provide for the salary.

Also:

H. 86. Relating to Morgan County; to authorize the establishment and operation of a county archives; and to provide for funding and staffing of the archives.

McDOWELL LEE
Secretary

H. 470 RESUMED

MOTION IN WRITING OFFERED

Representative McKee offered the following Motion in Writing relating to the bill, H. 470, as amended:

Mr. Speaker:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 64; Nays 23.

Yea:

Representatives Allen, Baker, Box, Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Vance, Warren, Willis and Wren.

-64

Nay:

Representatives Bandy, Black (L), Buskey, Clark (W), Hall (A), Hall (L), Hilliard, Holmes, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Page, Parker (P), Perdue, Reed, Robinson, Rogers (J), Spratt and Venable.

-23

And the bill:

H. 470. To provide for immunity for teachers to use corporal punishment or otherwise maintain order when exercising such authority within his or her local board of education's policy; to require the local board of education to legally defend such teacher against civil charges; to provide immunity for teachers and administrators who report suspected drug abuse; to further provide for warrants of arrest to be issued by the local board of education or its employees against a perpetrator when a teacher is assaulted; to exempt teachers from application of Title 26 Code of Alabama regarding child abuse when exercising corporal punishment or maintaining order within the local board of education's policy; to provide for immunity for other duly authorized school personnel.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 20.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton,

Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-78

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Hall (L), Hayden, Hilliard, Houston, Jackson, Kennedy, McAdory, McClammy, Minnifield, Mitchell, Newton (D), Page, Parker (P), Reed, Rogers (J) and Thomas (J).

-20

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Starkey to adopt the Budget Isolation Resolution relating to the bill, H. 445, was lost.

Yeas 45; Nays 54.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Clark (W), Curry, Dukes, Gaines, Gaston, Guin, Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Kennedy, Knight (A), Knight (J), McClammy, Melton, Minnifield, Mitchell, Morton, Newton (D), Parker (T), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Starkey and Thomas (J).

-45

Nay:

Representatives Baker, Burke, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Flowers, Galliher, Gipson, Graham, Hall (A), Hammett, Hawk, Hilliard, Hinshaw, Hooper, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Lindsey, Maull, McAdory, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Penry, Pringle, Reed, Robinson, Sims, Smith, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-54

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 385, were temporarily carried over.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 454. (With Amendment): To exempt Habitat for Humanity Organizations from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by these organizations from any state, county, and local ad valorem taxes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 597. (With Amendments): To authorize Alabama Public School and College Authority to sell and issue one hundred fifty million dollars (\$150,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds to replace pre-1978 school buses routinely used by certain city and county boards of education; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the

Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 177. To amend Section 14-9-42 of the Code of Alabama 1975, to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975, for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

S. 317. To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

H. 634. Relating to curators, repealing Chapter 7A of Title 26, comprised of Sections 26-7A-1 to 26-7A-17, inclusive, of the Code of Alabama 1975; preserving the existing powers and duties of certain curators for a specified time; and specifying that at a certain time these curators would become conservators with all the powers and duties of a conservator, except when the powers of a curator have been limited by a court.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 540. (With Substitute) (With Amendment): To provide for the establishment of a putative father registry by the Department of Human Resources and to provide for the content of the registry and its use in adoption proceedings.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 573. Relating to the Twelfth Judicial Circuit of Alabama; authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new restitution recovery division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 549. Relating to the City of Hueytown in Jefferson County; to provide for the abatement of nuisances in the form of certain weeds, objects, or unsafe structures; to provide notices to the property owners, hearing procedures, abatement of the nuisances, the assessment of costs against the property, and for the collection of the costs.

H. 374. Relating to Jefferson County; relating to alcoholic beverages and the sale of wine in Jefferson County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

H. 568. Relating to the City of Birmingham in Jefferson County; establishing a Study Commission to study the feasibility of the Birmingham Stadium and Exposition District, and creating the Birmingham Stadium and Exposition District.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 78. Relating to the compensation of the Morgan County Superintendent of Education; amending Section 1 of Act No. 91-477, H. 578 of the 1991 Regular Session (Acts 1991, p. 865), to further provide for the salary.

Also:

H. 86. Relating to Morgan County; to authorize the establishment and operation of a county archives; and to provide for funding and staffing of the archives.

Also:

H. 88. Relating to Sumter County; providing for the distribution of certain funds received by the county from the disposal of hazardous waste; and to provide for retroactive effect.

Also:

H. 418. Relating to Pickens County; providing for the fee for the issuance of pistol permits; providing for the deposit of fees in a fund known as the Sheriff's Pistol Permit Fund; and providing for the use of the fund and repealing Act No. 529, H. 574 of the 1971 Regular Session (Acts 1971, p. 1256) and Act No. 83-551, H. 520 of the 1983 Regular Session (Acts 1983, p. 850).

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Johnson (R):

H. 653. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, to include investigators of the Department of Industrial Relations within the definitions of "peace officer" and "policeman" for purposes of compensation for death and disability.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 654. To designate the Alabama Independent School Association as the official in-state accrediting agency for schools that are members of its association.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 655. To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the composition and powers of the Judicial Inquiry Commission and the Court of the Judiciary; and to provide further procedures for appealing a decision of the Court of the Judiciary.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representatives Galliher, Ford, and Page:

H. 656. To amend Section 40-21-53, Code of Alabama 1975 to make all public or municipal electric utilities subject to the 2.2 percent gross receipts tax.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Turner:

H. 657. To amend Section 6-5-391, Code of Alabama 1975, to further provide for the distribution of any damages recovered in a wrongful death action involving a minor child.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 658. To amend Section 32-1-4, Code of Alabama 1975, relating to the arrest of a person for driving with a revoked driver's license; to provide for the arrest of a person driving while his or her driver's license or privilege is revoked or suspended, and to further provide for the impoundment and the redemption or sale of a motor vehicle driven by a person whose driver's license has been revoked or suspended.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 659. To amend Section 32-6-65 of the Code of Alabama 1975, relating to motor vehicle registration; to require a copy of the current registration of a motor vehicle to be kept in the motor vehicle at all times; and to provide for penalties.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Penry, Crigler, Dean, and McMillan:

H. 660. To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to

the seafood dealer's license and the seafood broker's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

COMMITTEE ON NAVIGATION AND WATERWAYS

By Representatives Hayden and Jackson:

H. 661. Relating to Perry County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Perry County Commission to levy a three mill ad valorem tax for fire protection.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Millican (With Notice and Proof):

H. 662. Relating to Marion County; to amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 662, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrow:

H. 663. Relating to the issuance of a special events license to sell alcoholic beverages; to amend Section 28-3A-20 of the Code of Alabama 1975, so as to reduce the minimum advance application period.

COMMITTEE ON TOURISM, ENTERTAINMENT AND SPORTS

By Representative Carothers:

H. 664. To provide that a service contract, extended warranty, or other written agreement purchased for an additional cost to maintain, repair, or replace tangible property over a fixed period of time shall not be deemed an insurance contract.

COMMITTEE ON STATE ADMINISTRATION

By Representative Starkey (With Notice and Proof):

H. 665. Relating to Lauderdale County; to amend the title and Section 7 of Act No. 86-411, H. 772 of the 1986 Regular Session (Acts 1986, p. 599), relating to allocation and distribution of the lodging tax; to provide further for the allocation and distribution of the lodging tax; and to establish a tourism board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 665, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Black (L), Hayden, and Jackson (With Notice and Proof):

H. 666. Relating to Marengo County; to amend Section 2 of Act No. 19, H. 227 of the 1978 Regular Session (Acts 1978, p. 84), providing that the compensation of deputies of the Marengo County Sheriff's Department would be based on the compensation of state troopers; to further provide that the compensation of the deputies would include cost-of-living raises received by state troopers.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 666, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 667. To reestablish the Alabama Peace Officers' Hall of Fame; to provide for the membership and duties of the Alabama Peace Officers' Hall of Fame Board; to transfer monies collected pursuant to Section 41-9-870, Code of Alabama 1975, to an interest-bearing account in the name of the Alabama Peace Officers' Hall of Fame; and to repeal Sections 41-9-870 to 41-9-873, inclusive, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 668. To make an appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Alabama Sports Festival in the amount of \$82,800 for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Black (M):

H. 669. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention or advancement, compensation, or other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Venable, Ford, Wren, Warren, Hill, McDaniel, Gaines, Johnson (R), Allen, Starkey, Carothers, Gipson, Layson, Morrison, Haney, Sanderson, Clouse, Seibenhener, Hilliard, Moore, Box, Rogers (J), Newton (D), Dolbare, Townsend, Papucci, Turnham, Smith, Burke, Jackson, Minnifield, Jorgensen, Hall (L), Carns, Galliher, Knight (A), Gaston, Parker (P), Willis, Hammett, Maull, Black (M), Thomas (D), Guin, Baker, Turner, Spratt, Dean, Knight (J), Thomas (J), Carter, Morrow, Black (L), and Millican:

H. 670. To amend Section 40-2-41, Code of Alabama 1975, to require the election of the State Commissioner of Revenue.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 671. Establishing the Alabama Elections Commission; prescribing the membership, powers, and duties of the commission; authorizing the commission to issue advisory opinions; exempting persons disclosing information at the request of the commission from civil liability and prescribing procedures relating to complaints alleging violations which are filed with the commission.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Sims:

H. 672. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Oxford in both Calhoun and Talladega Counties and may provide for the operation of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Davidson:

S. 15. Relating to Walker County, to propose an amendment to the Constitution of Alabama of 1901, providing further powers and authority to purchase, lease, or acquire land for the development of industrial sites and industrial park projects.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 15. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts:

S. 433. Relating to Morgan County, to propose an amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to continue to levy a county-wide 4.3 mill and 1.5 mill ad valorem tax as originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of all public schools in Morgan County.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 433. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts:

S. 438. Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of the Hartselle city schools.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 438. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts:

S. 440. Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a 3.6 mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the Decatur public schools.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 440. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Roberts:

S. 441. Relating to Morgan County, to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967 and scheduled to expire on September 30, 1995, for the benefit of the schools under the jurisdiction of the Morgan County Board of Education.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 441. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Ghee, Denton, Little, Windom, Escott-Russell, Mitchell, and Figures:

S. 265. Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2 to 17-22A-5, inclusive, 17-22A-7 to 17-22A-9, inclusive, 17-22A-11,

17-22A-12, 17-22A-18, and 17-22A-21, Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to limit campaign contributions; to prescribe penalties for violations of this act; and to make an appropriation.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 265. Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 62. URGING THE STATE HEALTH PLANNING AND DEVELOPMENT AUTHORITY (SHPDA) TO RATIFY EXEMPTION GRANTED UNDER ACT NO. 94-209 OF THE 1994 REGULAR SESSION.

Also:

S.J.R. 66. COMMENDING THE MONTGOMERY ACADEMY FORENSICS TEAM FOR OUTSTANDING ORATORY.

Also:

S.J.R. 70. HONORING THE MONTGOMERY HOUSING AUTHORITY YELLOW JACKETS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 71. HONORING JAY WAGGONER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 72. RENAMING I-459 IN JEFFERSON COUNTY THE JOHN M. HARBERT FREEWAY.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 46. To amend Section 1 of Act No. 94-706, H. 810, 1994 Regular Session (Acts of Alabama 1994, p. 1369), now appearing as Section 9-17-120 of the Code of Alabama 1975, providing for the installation of certain types of liquefied petroleum gas room heaters in certain residences and used manufactured homes under certain conditions to clarify the definition of used manufactured home.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced:

By Representative Venable:

H.J.R. 205. COMMENDING THE TALLASSEE HIGH SCHOOL BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 205, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Venable:

H.R. 206. COMMENDING THE TALLASSEE HIGH SCHOOL BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Collins:

H.R. 207. COMMENDING HUGH HARRISON OF VERNON, ALABAMA, FOR DISTINGUISHED SERVICE TO PUBLIC EDUCATION.

Also:

By Representative Gipson:

H.R. 208. MOURNING THE DEATH OF LYMAN ABE WOODFIN OF PRATTVILLE, ALABAMA.

Also:

The following resolution was introduced:

By Representative Carter:

H.J.R. 209. COMMENDING JANE WATKINS UPON HER RETIREMENT FROM CALHOUN COMMUNITY COLLEGE.

The resolution, H.J.R. 209, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Papucci and Jorgensen:

H.R. 210. COMMENDING THE WEST MADISON ELEMENTARY SCHOOL PARENTS AND TEACHERS ASSOCIATION FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Representative Morrow:

H.J.R. 211. COMMENDING THE FRANKLIN COUNTY SHERIFF'S DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 211, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Graham and Hall (A):

H.J.R. 212. COMMENDING ANDREW OLIVER WHITE OF DADEVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 212, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Graham and Hall (A):

H.R. 213. COMMENDING ANDREW OLIVER WHITE OF DADEVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Papucci:

H.R. 214. CONGRATULATING ROB NELSON WESTON AND KRISTI ANN HUFFMAN ON THEIR FORTHCOMING MARRIAGE.

Also:

By Representative Galliher:

H.R. 215. MOURNING THE DEATH OF EULICE GARNER OF GADSDEN, ALABAMA.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:20 P.M. on May 30, 1995.

H.J.R. 71	H.J.R. 159
H.J.R. 72	H.J.R. 160
H.J.R. 146	H.J.R. 161
H.J.R. 147	H.J.R. 162
H.J.R. 149	H.J.R. 163
H.J.R. 150	H.J.R. 165
H.J.R. 152	H.J.R. 166
H.J.R. 155	H.J.R. 167
H.J.R. 157	H.J.R. 170
H.J.R. 158	H.J.R. 174

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Hammett, the House adjourned until 9:00 o'clock a.m., Thursday, June 1, 1995.

THIRTEENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, June 1, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Larry Townsend, Mt. Mariah #2 Baptist Church, Lowndes County, Mosses, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Wimberly Edwards and Leah Utley, 9th Grade, Greenville High School, Greenville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

LEAVE OF ABSENCE

At the request of Representative Clark (J), leave of absence was granted for Representative Thomas (D).

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, June 6, 1995, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.J.R. 216. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, June 8, 1995, they adjourn to meet again on Tuesday, June 13, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, June 14, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, June 15, 1995.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to take up for immediate consideration the foregoing resolution, H.J.R. 216.

RESOLUTION ADOPTED

On motion of Representative Hammett, the resolution, H.J.R. 216, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 470. To provide for immunity for teachers to use corporal punishment or otherwise maintain order when exercising such authority within his or her local board of education's policy; to require the local board of education to legally defend such teacher against civil charges; to provide immunity for teachers and administrators who report suspected drug abuse; to further provide for warrants of arrest to be issued by the local board of education or its employees against a perpetrator when a teacher is assaulted; to exempt teachers from application of Title 26 Code of Alabama regarding child abuse when exercising corporal punishment or maintaining order within the local board of education's policy; to provide for immunity for other duly authorized school personnel.

TOMMY CARTER
Chairman

And the bill, H. 470, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 385, was adopted.

Yeas 77; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Box, Boyd, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey,

Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 385. (With Substitute): To amend Section 40-21-1, Code of Alabama 1975, to delete navigation companies from the definition of public utility.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-21-1, Code of Alabama 1975, to delete navigation companies and toll bridges from the definition of public utility.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-21-1, Code of Alabama 1975, is amended to read as follows:

"§40-21-1.

"It shall be the duty of the Department of Revenue to assess for taxation all property of all railroad companies, street and suburban railroad companies or persons or companies operating railroad or street railroads, or suburban railroads or sleeping cars in this state; all express companies, including railroad companies doing an express business and all telephone and long distance telephone and all telegraph companies, person or persons doing an express, telephone or telegraph business; all persons, firms, or corporations doing a gas business, transporting gas or furnishing gas, natural, manufactured or by-product, in or through pipes or in drums, tubes, cylinders, or by any other method; all water, electric light or power, hydroelectric power companies, steam heat, refrigerated air, dockage or crantage, toll roads, toll ferries, ~~toll bridges~~, railroad equipment, ~~or navigation companies~~, pipelines for transporting or furnishing natural, manufactured, or by-product gas, water, oil, gasoline, or other commodities of commerce, and the property of all public service or public utility corporations, and all property not required by law to be listed for taxation with the county tax assessor; and the

owner, president, general manager, agent, trustee, receiver, or other person or persons having control of the company's affairs in this state shall make returns of all property of said company located in this state to the Department of Revenue."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law and shall apply to all taxes due and payable on or after October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sims, Smith, Starkey, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 385. To amend Section 40-21-1, Code of Alabama 1975, to delete navigation companies and toll bridges from the definition of public utility.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sims, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 197. URGING STATE AGENCIES NOT TO GRANT FINANCIAL ASSISTANCE TO ANY EMPLOYER WHO SOLICITS OR ADVERTISES FOR PERMANENT OR TEMPORARY REPLACEMENT EMPLOYEES DURING A LABOR DISPUTE.

WHEREAS, Alabama workers may engage in their legal right to strike over a contract dispute with employers at the very real risk of losing their jobs for engaging in a lawful strike; and

WHEREAS, the loss of Alabama workers' livelihood would have a devastating effect on their families and communities; and

WHEREAS, the right to strike is a hollow and meaningless right if permanent replacement workers can be hired to replace striking workers; and

WHEREAS, certain employers in Alabama receive monies from state agencies to train many replacement workers; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we urge state agencies not to grant financial assistance to any employer who solicits or advertises for permanent or temporary replacement employees during a labor dispute.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Governor that he may be aware of our concerns relating to this matter.

On motion of Representative Carter, the resolution, H.R. 197, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 203. COMMENDING NANCY CARTER BILLINGS OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with great pride that the Alabama Legislature honors Nancy C. Billings of Huntsville, Alabama, as the recipient of the Alabama Home Economics Section, Alabama Vocational Association Teacher of the Year Award; and

WHEREAS, a teacher at Whitesburg Middle School, Nancy Billings has served as a vocational home economics teacher at Pilot Grove Public Schools and Fairfax County Virginia Public Schools, and has furthermore been a student teacher supervisor, reading teacher, substitute teacher, and clothing teacher throughout her extensive and distinguished career in education; and

WHEREAS, listed in the 4th Edition of Who's Who in American Education 1994-95, Mrs. Billings is an active participant in numerous professional activities such as the Alabama Vocational Association, National Education Association, and the American Home Economics Association, where she has served as state chairperson for Georgia and Alabama; and

WHEREAS, Nancy Billings, who earned a Bachelor's degree from Southwest Missouri State University, a Master's degree from the University of Missouri, and teacher certifications from the University of Georgia and the University of Alabama in Huntsville, is a member of countless community and civic organizations such as the Huntsville Newcomers Club, Huntsville Museum of Art, and the Spring Hill Chapter of the Daughters of the American Revolution, to name but a few; and

WHEREAS, a devoted member of First United Methodist Church, Nancy is the dedicated wife of Clarence David Billings, and they are the parents of two children, John David and Amanda Gayle; and

WHEREAS, Nancy C. Billings has indeed demonstrated those finest qualities of leadership, guidance, and kindness to all her students throughout the years, and is well deserving of this special recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Nancy C. Billings of Huntsville, Alabama, as the Home Economics Section, Alabama Vocational Association Teacher of the Year, and do furthermore direct that a copy of this resolution be provided as evidence of our great appreciation and esteem.

On motion of Representative Carter, the resolution, H.J.R. 203, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 201. RECOGNIZING AND COMMENDING THE JEFFERSON LOVELL CHAPTER #2575, UNITED DAUGHTERS OF THE CONFEDERACY, JASPER, ALABAMA.

WHEREAS, the United Daughters of the Confederacy, an organization of women directly descended from members of the army and navy of the Confederacy founded in 1894, has played a prominent role in American life over the years; and

WHEREAS, with the motto, "Think, Love, Pray, Dare, Live," the colors of Red and White, and its flower the Camellia, the Jefferson Lovell Chapter #2575 of the United Daughters of the Confederacy, Jasper, Alabama, was chartered December 1, 1993, with eight charter members: Mrs. Ray Fowler (June Kelly), Mrs. J. D. Kelly (Kessie Scott), Mrs. Kathy Kelley Quinn, Mrs. John Richardson (Sandra Kelley), Ms. Ginger Richardson, Mrs. Robert Sanford (Bonnie Nix), Mrs. Paul Sides (Frances Kelley), and Mrs. William Yoder (Mary Scarborough); and

WHEREAS, in the years since, this dedicated group of women have worked diligently to preserve the history and time-honored tradition of service of the UDC through their on-going patriotic, educational, benevolent, historical, and memorial-related activities and programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the community, state, and nation, we hereby most highly commend and recognize the Jefferson Lovell Chapter #2575, United Daughters of the Confederacy, Jasper, Alabama, and do further direct that a copy of this resolution be provided for the chapter as a measure of our tribute and esteem.

On motion of Representative Carter, the resolution, H.J.R. 201, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 200. MOURNING THE DEATH OF ANNIE PEARL RICHARDSON OF MOBILE, ALABAMA.

WHEREAS, it is with deep and abiding grief that the Alabama Legislature records the lamentable death of Mrs. Annie Pearl Richardson of Mobile, Alabama, on May 12, 1995; and

WHEREAS, Mrs. Richardson, a native of Perry County and a beloved member of the Mobile community for the past 49 years, retired as a teacher following 28 years of distinguished service with the Mobile County Public School System; and

WHEREAS, throughout her lifetime, Mrs. Richardson, a warm and caring lady, exhibited, both in her personal and professional life, a consuming interest in the happiness and well-being of others through her dedicated efforts on their behalf; and

WHEREAS, this was demonstrated through her devotion to the needs of her family, many friends, and neighbors; through leadership and support of her church, St. Peter Baptist, where she served as a Sunday School teacher, and as a member of the Senior Choir, and such organizations as the Alabama State University Alumni Association, Retired Teachers Association, and national, state, and local education associations; and in numerous other activities of community interest and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as her death is mourned, thanks are given to God for the life and service of Mrs. Annie Pearl Richardson of Mobile, Alabama, and, by copy of this resolution, deepest sympathy is hereby extended to her husband, Nathaniel A. Richardson; daughter, Alberta Richardson; sons, Palmer, James, and Nathaniel, Jr.; to her three sisters and brother; four grandchildren and three great-grandchildren; and to the many members of her extended family who share with countless others their great and grievous loss.

On motion of Representative Carter, the resolution, H.J.R. 200, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 196. URGING STATE AGENCIES NOT TO GRANT FINANCIAL ASSISTANCE TO ANY EMPLOYER WHO SOLICITS OR ADVERTISES FOR PERMANENT OR TEMPORARY REPLACEMENT EMPLOYEES DURING A LABOR DISPUTE.

H.J.R. 196 RECOMMENDED

On motion of Representative Ford, the Speaker recommitted the resolution, H.J.R. 196, to the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 192. MOURNING THE DEATH OF MARK WINDSOR OF ROANOKE, ALABAMA.

WHEREAS, it is with profound sorrow that the Alabama Legislature records the untimely death of Mark Windsor of Roanoke, Alabama, on May 6, 1995, at the age of just 28 years; and

WHEREAS, Mark Windsor, who was a deputy with the Randolph County Sheriff's Department, was accidentally killed while on call in the line of duty; and

WHEREAS, Deputy Windsor began his career in the department in 1992, as a radio dispatcher, and subsequently worked as jailer/dispatcher before assuming his position as deputy in March of 1995, shortly before his death; and

WHEREAS, over his all too brief career, Mark Windsor served with diligence and commitment in his charge to uphold the law and defend the peace to the good and well-being of his fellow citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and service of Deputy Mark Windsor of Roanoke, Alabama, and extend our deepest heartfelt sympathy to his devoted wife, June, and stepson, Cody; to his father and mother, James and Jackie Windsor; brother, Gordon, and twin brother, Clark; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 192, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 194. EXPRESSING SYMPATHY AND SUPPORT FOR STORM VICTIMS IN NORTH ALABAMA.

WHEREAS, in late afternoon, May 18, 1995, a deadly tornado ripped across scattered communities along a 40-mile track of North Alabama, injuring dozens, and leaving hundreds homeless; and

WHEREAS, especially hard hit were communities of Madison and Limestone Counties including the Oakdale community, northeast of Athens in Madison County, where one man, a victim of the demolished Oakdale Mobile Home Court, later died as a result of his injuries; others included the Anderson Hills subdivision in northwest Huntsville, the Saddle Creek Estates subdivision in New Market, and the communities of Hazel Green and Harvest, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grieved by the loss and devastation suffered by the victims of this destructive storm, and express our sympathy in their pain and suffering, and our faithful support in their efforts to recover from this terrible tragedy.

On motion of Representative Carter, the resolution, H.J.R. 194, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 205. COMMENDING THE TALLASSEE HIGH SCHOOL BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature recognizes the Tallassee High School Baseball Team, who earned the title of Alabama 4A State Champions; and

WHEREAS, under the leadership of Head Coach John Goodman and his able Assistant Coaches Mark Segrest, Jeri Goodman, and Kevin Jordan, the Tallassee High School Baseball Team, who have won this title for the sixth time since 1986, set a new school record with their spectacular season of 30 wins and only 6 losses; and

WHEREAS, the members of the Tallassee High School Baseball Team who are well deserving of this special recognition are: Klay Peters, Brent Miliner, Brent Timmerman, Rodricues Williams, Adam Clayton, Jamon Matthews, Wesley Holt, Kris Fulford, Stephen Webster, Josh Cullars, David Rogers, Robbie Pressley, Justin Mann, Justin Crain, Doug Walters, Andy Davidson, Jonathan Ingram, Courtney Thornton, David Warren, Brad Mason, Jason Hornsby, Neil Martin, Justin Ellis, and Team Manager John Rogers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the members and coaches of the Tallassee Baseball Team for earning the 1995 Alabama State 4A Championship Title, and do furthermore direct that copies of this resolution be provided to Coach John Goodman as evidence of our pride and esteem and for appropriate display at Tallassee High School.

On motion of Representative Carter, the resolution, H.J.R. 205, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 209. COMMENDING JANE WATKINS UPON HER RETIREMENT FROM CALHOUN COMMUNITY COLLEGE.

WHEREAS, the Alabama Legislature, in consensus of commendation, notes the retirement of Jane Watkins, following a distinguished career at Calhoun Community College for the last 13 years, and in the teaching profession for more than 20 years; and

WHEREAS, over the course of her longtime tenure, Mrs. Watkins, a truly dedicated professional, has demonstrated utmost commitment and concern for the education and well-being of her young students; and the lasting impact she has made upon their lives has greatly contributed to their future as successful and responsible citizens; and

WHEREAS, Mrs. Watkins, a teacher of mathematics, began her career at the University of Alabama in Huntsville before joining the faculty at Calhoun College more than a decade ago; and

WHEREAS, in addition to her teaching responsibilities, Mrs. Watkins has given generously of her time and talent in extended service to her profession, as well as in active support of church and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to Calhoun Community College, and to education in our state, we hereby most highly commend Mrs. Jane Watkins, and do further direct that a copy of this resolution be presented to Mrs. Watkins on the occasion of a retirement luncheon to be held in her honor, June 2, 1995.

On motion of Representative Carter, the resolution, H.J.R. 209, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 211. COMMENDING THE FRANKLIN COUNTY SHERIFF'S DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the arrest, on May 28, 1992, in Russellville, Alabama of an international fugitive by the Franklin County Sheriff's Department, by efforts coordinated with U.S. Marshals and U.S. Custom Agents, among other law enforcement officials; and

WHEREAS, following the fugitive's capture, on warrants from Scotland Yard and the State of Louisiana, information uncovered by Franklin County Sheriff Larry Plott, and others on the scene, led to a nearby county residence and the discovery of a drug lab and a formula for developing crystal methamphetamine, a dangerous illicit drug commonly called "ice" or "speed," and by other street names; and

WHEREAS, also seized were some 132 pounds of the finished product, as well as chemicals, cash, equipment valued at \$885,000, and receipts for two storage facilities later found to contain other chemicals used for processing "ice," and the necessary equipment for setting-up two additional labs; and

WHEREAS, after a five-year international police operation, Sheriff Plott's department, and other agencies involved, are credited with shutting down what is believed to be the largest operation of its kind ever discovered in the State of Alabama, and the largest illegal drug factory operating in England, capable of producing \$30,000,000 worth of drugs every 2 days; and

WHEREAS, after a lengthy extradition process between British and American authorities, the fugitive and another American involved in the drug conspiracy were tried, convicted, and jailed for a total of 20 years for their part in one of the major drug manufacturing conspiracies of the century; and

WHEREAS, the high degree of training and the professionalism reflected in the capture of a fugitive from justice in the United States and England is a law enforcement success story in which the entire State of Alabama takes pride, and most particularly in the key role of Sheriff Larry Plott and members of his department who are indeed deserving of special recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Franklin County Sheriff Larry Plott and his staff for extraordinary achievement, and do further direct that he and his department receive a copy of this resolution of sincere and heartfelt tribute.

On motion of Representative Carter, the resolution, H.J.R. 211, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 212. COMMENDING ANDREW OLIVER WHITE OF DADEVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest esteem and utmost pleasure that the Alabama Legislature notes the tremendous accomplishments of Andrew Oliver White of Dadeville, Alabama; and

WHEREAS, on May 23, 1995, Andy graduated from Dadeville High School as the 1995 Class Valedictorian receiving the prestigious recognition of an Honors Diploma; and

WHEREAS, Andy White has made enormous contributions and excelled in all areas of student life as a scholar, athlete, and active participant in numerous extra-curricular activities; he has received three letters as a member of the football team, where he served as captain; earned the highest average in math, science, and history; and he furthermore represented Dadeville High School at the Boys State Competition, and is a member of the Beta Club; and

WHEREAS, the son of our dear friend and former Alabama House Representative, Lester White, Andy indeed exemplifies those finest qualities of leadership, scholarship, and integrity, and is well deserving of this special recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Andrew Oliver White of Dadeville, Alabama, in tribute to his outstanding achievement, and do furthermore direct that a copy of this resolution be provided as evidence of our sincerest pride and deepest personal regard.

On motion of Representative Carter, the resolution, H.J.R. 212, was adopted.

H. 588 RECOMMITTED

On motion of Representative Newton (D), the Speaker recommitted the bill, H. 588, from the Calendar to the Standing Committee on Judiciary.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 65. (With Substitute) (With Amendment): Relating to the Department of Public Safety; to establish the Motor Vehicle Replacement Fund to replace the Department of Public Safety law enforcement motor vehicles.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 377. (With Amendment): To amend Section 41-9-644, Code of Alabama 1975, relating to the inspection of a criminal offender's records in the possession of the Alabama Criminal Justice Information Center, to increase the fee for the inspection.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 384. To amend Section 1-3-4, Code of Alabama 1975, to change the date of the fiscal year, and to provide for the implementation of the new fiscal year period.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 39. (With Amendment): To provide for deferments of income from state income tax to the same extent as is provided from federal income tax under certain plans and arrangements provided in Sections 401(k) and 457 of the United States Internal Revenue Code.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 425. To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

H. 627. Providing for distinctive motor vehicle license tags or plates for persons employed or retired as United States postal carriers; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; and providing for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 8. (With Amendment): To amend Section 16-25-11.4, Code of Alabama 1975, to provide further for purchase of certain service credit in the Teachers' Retirement System.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 10. To exempt all property owned and used by the Farley L. Berman Foundation, Inc., from any state, county, and local ad valorem taxes, and to provide for a retroactive effect.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 387. (With Substitute) (With Amendment): To amend Section 36-20-30, Code of Alabama 1975, to provide for a uniform increase in the notaries public filing fee charged by the judges of probate; to provide for a portion of that fee to be forwarded to the Office of the Secretary of State in order to offset costs associated with this section; and to provide for the creation of the State Notary Public Filing Fee Fund.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 583. (With Substitute): To amend Section 2 of Act No. 94-768 of the 1994 First Special Session, now appearing as Section 36-27-125 of the Code of Alabama 1975, to provide further for certain increases in benefits for certain pensioners and annuitants.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 539. (With Amendment): To amend Sections 40-14-41 and 40-14-47, Code of Alabama 1975; to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets; to provide that the total

capital of a taxpayer includes the status of long-term versus short-term debt; to allow fiscal year corporations to file franchise tax returns at the same time as their tax or financial institution excise tax returns, including extensions; to provide a one-year transition rule; to increase the minimum franchise tax; and to provide a retroactive effective date.

H. 295. (With Amendment): To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for the collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 199. To amend Section 40-17-31, Code of Alabama 1975, to increase certain aircraft fuel tax maintenance levels; provide penalty provisions for the nonpayment of the tax; and establish an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 217. (With Amendment): Proposing an amendment to the Constitution of Alabama of 1901, to phase out supernumerary programs and to permit participation in a fiscally sound existing retirement system.

The above bill was read a second time at length as required by the Constitution.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 586. To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$145,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying operating expenses and management fees referable to any such training facilities; to appropriate to the authority \$6,000,000 in the fiscal year of the state that begins October 1, 1995, and \$13,000,000 in each of the fiscal years of the state that begin October 1, 1996,

and end September 30, 2025, in all cases from interest earnings on the Alabama Trust Fund for the purpose of paying obligations of the authority; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 370. (With Substitute) (With Amendments): To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the election, appointment, and retention of judicial officers.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 371. (With Substitute): To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the composition of the Court of the Judiciary; to provide additional procedures for appealing a decision of the Court of the Judiciary; and to provide that the impeachment provisions in Article VI apply to appellate, circuit, and district judges.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 7. To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 532. (With Amendments): To provide for licensure and regulation of massage therapists and massage establishments; to provide for the registration of massage therapy schools and instructors; to create the Alabama Board of Massage Therapy and provide for the duties and powers of the board; and to prescribe penalties for violations of the act.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 566. To amend Sections 32-7-5 and 32-7-6 of the Code of Alabama 1975, the Motor Vehicle Safety Responsibility Act; to increase the time allowed for the operator or owner of a motor vehicle to file the required forms after a motor vehicle accident; and to provide that reinstatement fees will not be assessed on suspension if proper documentation is provided that acceptable insurance was in effect at the time of the motor vehicle accident.

H. 647. To provide further for the purchase of service credit by members of the Teachers' Retirement System.

H. 654. To designate the Alabama Independent School Association as the official in-state accrediting agency for schools that are members of its association.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 655. (With Amendment): To propose an amendment to Article VI of the Constitution of Alabama of 1901, as amended, relating to the Judicial Department; to provide further for the composition and powers of the Judicial Inquiry Commission and the Court of the Judiciary; and to provide further procedures for appealing a decision of the Court of the Judiciary.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 638. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 320. Relating to trusts, providing further for the powers of trustees.

H. 589. To provide further for the regulation and supervision of the business of title insurance transacted within the state; to provide further for the authority of the Commissioner of Insurance; and to specifically repeal Sections 27-3-13 and 27-25-1 of the Code of Alabama 1975.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 209. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 630. (With Substitute): To provide for the qualified electors of the state to vote for candidates for elected offices without regard to the political affiliation of the elector; to require all candidates who qualify to run for an office to be listed on the open primary election ballot; to provide for a run-off election after the open primary election; to amend Sections 17-1-1, 17-8-2, 17-8-10, 17-8-45, 17-9-7, 17-9-26, 17-9-33, 17-10-8, 17-10-12, and 17-16-1, Code of Alabama 1975; and to repeal Sections 17-7-1, 17-8-2.1, 17-8-3, 17-8-4, 17-8-5, 17-8-15 to 17-8-19, inclusive, 17-8-21, 17-9-31, 17-16-4, 17-16-9, 17-16-11 to 17-16-17, inclusive, 17-16-20, 17-16-21, 17-16-36, 17-16-37, 17-16-40, 17-16-41, 17-16-46, and 17-16-70 to 17-16-89, inclusive, Code of Alabama 1975.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 538. Providing for absentee ballots to be mailed to physically incapacitated absentee voters before an election.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 182. (With Amendments): Relating to elections; to provide for an early voting period prior to the date of the actual election in addition to absentee voting; to amend Section 17-4-120 of the Code of Alabama 1975, to provide further for certain voter registration deadlines; and to amend Section 17-10-5 of the Code of Alabama 1975, to provide further for the prevention of double voting in an election.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 292. To amend Sections 40-12-390, 40-12-391, and 40-12-392, Code of Alabama 1975, to require new motor vehicle dealers franchised in other states to be subject to the dealer licensing law and to provide a retroactive effect.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same Returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 604. Relating to operators of horse and greyhound racetracks; to authorize televised simulcast programming of racing events; to authorize operators to conduct pari-mutuel wagering on televised racing events; to allow

participation in pari-mutuel pools; to provide rules for takeouts from pari-mutuel pools; to increase hours of operation for racetracks; and to repeal Section 11-65-32, Code of Alabama 1975.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Parker (T) inadvertently voted "Yea" and intended to abstain from voting on adoption of the Budget Isolation Resolution, the adoption of the substitute reported by the Standing Committee on Ways and Means and passage of the bill, H. 385, as amended, due to a possible conflict of interest.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hamilton (With Notice and Proof):

H. 673. Relating to Lauderdale County; providing authority for a county personnel system adopted by the Lauderdale County Commission; and providing for the authority of the county to implement policies and procedures for the county, county employees, and employees of elected officials.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 673, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hamilton (With Notice and Proof):

H. 674. Relating to Lauderdale County; to amend Section 3 of Act No. 586, H. 717 of the 1965 Regular Session (Acts 1965, p. 1095) creating a civil service board of appeals, to provide for membership of the civil service board of appeals; and to specifically repeal Act No. 1695, H. 2263 of the 1971 Regular Session (Acts 1971, p. 2852), creating a civil service board in counties having a population of not less than 65,500 nor more than 75,200 according to the most recent or any subsequent federal decennial census.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 674, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Starkey:

H. 675. To amend Section 41-22-5 of the Code of Alabama 1975, relating to the procedure for the adoption of rules pursuant to the Alabama Administrative Procedure Act, to provide that a rule which increases the taxes, fees, or other revenues administered by an agency by more than a nominal amount shall not be valid.

COMMITTEE ON STATE ADMINISTRATION

By Representative Parker (P):

H. 676. To amend Section 3 of Act No. 566, S. 117 of the 1969 Regular Session (Acts 1969, p. 1046) providing for supernumerary circuit clerks in certain counties under certain conditions, to further provide for the annual salary payable from the county general fund.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Jackson:

H. 677. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Thomasville in Clarke County and may provide further for the operation of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Jackson:

H. 678. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Demopolis in Marengo County and may provide further for the operation of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Knight (A):

H. 679. To authorize and adopt a voluntary public-private non-profit partnership or trust agreement proposed by The Citizenship Trust; to enhance and expand citizenship education of young people; and to provide for the purposes, member parties, organization, structure, incorporation, non-profit status, powers, tax exemption from state and local taxes.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Penry and Carter:

H. 680. To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Penry and Carter:

H. 681. To amend Section 28-6-4, Code of Alabama 1975, relating to excise tax on native farm wines to remove the exemptions for native wine produced for export.

COMMITTEE ON WAYS AND MEANS

By Representatives Morton and Newton (D) (With Notice and Proof):

H. 682. To authorize any Class 1 municipality to grant pension benefit increases to participants in former municipality retirement systems and to provide for related matters.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 682, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative White:

H. 683. To make an appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Southern Normal School, in the amount of one hundred fifty thousand dollars (\$150,000) for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 684. Reopening, for a certain time, the Teachers' Retirement System for purchase of certain service credit by certain active members for certain prior service rendered to an employer who may join the system pursuant to Section 16-25-10.7, Code of Alabama 1975, but has not elected to participate.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McAdory, and Houston:

H. 685. To amend Sections 34-14A-5 and 34-14A-6, Code of Alabama 1975, relating to licensing of residential home builders.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Sanderson, Gaines, Morrison, Jorgensen, Rogers (M), Petelos, and Curry:

H. 686. To amend Section 25-5-77, Code of Alabama 1975, relating to Workers' Compensation, to provide further for the medical treatment of injured employees.

COMMITTEE ON BUSINESS AND LABOR

By Representative Willis:

H. 687. To amend Code of Alabama 1975, Sections 40-20-32, 40-20-34, and 40-20-37 and to provide for the assessment and collection of an annual mineral documentary tax on certain possessory interests in mineral properties and provide for disposition of the proceeds from the revenues.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Allen:

H. 688. To levy a sales tax on the gross proceeds from the wholesale sale of fireworks and to provide penalties for violation.

COMMITTEE ON WAYS AND MEANS

By Representative Allen:

H. 689. To levy a tax on the gross proceeds from the wholesale sale or lease of portable toilets and to provide penalties for violation.

COMMITTEE ON WAYS AND MEANS

By Representative Hawkins:

H. 690. To amend Section 40-23-1, Code of Alabama 1975, relating to withdrawals of inventory and the amount of sales tax, and to provide for a retroactive effect.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 691. To amend Section 23-1-280 of the Code of Alabama 1975, relating to the payment for the removal of nonconforming signs adjacent to a highway under certain circumstances; to provide that the owner of a lawfully erected sign would be paid monetary just compensation; to provide that payment would be pursuant to eminent domain; and to provide that amortization would not apply.

COMMITTEE ON STATE ADMINISTRATION

By Representative Moore:

H. 692. Creating a State Barber Board for the administrative control, supervision, and regulation, including registration and licensing, of the practice of barbering and the teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; prescribing the powers and duties of the board; providing penalties for violations; repealing or superseding all laws which conflict with this act; and specifically repealing Sections 34-5-1 to 34-5-16, inclusive, of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Fuller:

H. 693. To amend Section 41-4-60, Code of Alabama 1975, relating to state warrants; to reduce the period of time to one year for which a state warrant may be presented for payment, or for which a claim on a warrant may be made.

COMMITTEE ON WAYS AND MEANS

By Representative McKee:

H. 694. To amend Section 12-11-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit court, and Section 12-12-32 of the Code of Alabama 1975, relating to the criminal jurisdiction of the district court; and Section 12-12-70 of the Code of Alabama 1975, relating to the right of appeal, to provide that the district court would be allowed to try felony cases which are not punishable by death to provide that the acceptance of a guilty plea by a district court would be subject to the approval of the circuit court in the judicial circuit where the plea was accepted, and to further provide that in cases where the district court exercises concurrent jurisdiction the appeal would be to the appropriate appellate court.

COMMITTEE ON STATE ADMINISTRATION

By Representative Haney:

H. 695. Proposing an amendment to the Constitution of Alabama of 1901, to authorize the levy of a minimum local ad valorem tax for school purposes in each local school system in the state and to provide the procedure to further increase local ad valorem taxes in local school systems; to allow the repeal of taxes, except ad valorem taxes in effect on January 1, 1995, that are earmarked for education after the 2010-2011 fiscal year; and to provide that all school taxes levied pursuant to the constitution shall be disregarded in determining whether ad valorem taxes levied with respect to any property in the state exceed the limitation imposed by paragraph (i) of Amendment 373.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 385. To amend Section 40-21-1, Code of Alabama 1975, to delete navigation companies and toll bridges from the definition of public utility.

TOMMY CARTER
Chairman

And the bill, H. 385, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 576, were temporarily carried over at the request of Representative Venable.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 591, were temporarily carried over at the request of Representative Venable.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 607, were temporarily carried over due to the absence of the sponsor.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 109, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Haney, Hill, Hinshaw, Hogan, Hooper, Houston, Knight (A), Knight (J), McAdory, McClammy, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Townsend, Turnham, Vance and Willis.

-53

And the bill:

H. 109. To propose an amendment to the Constitution of Alabama of 1901, for Shelby County, providing further for license taxes on certain real estate operations and transactions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Kennedy, Knight (A), Knight (J), Layson, McAdory, McClammy, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White and Willis.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 596, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McMillan, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Spratt, Townsend, Turnham, Vance and Willis.

-56

And the bill:

H. 596. Relating to Shelby County; to provide that the county commission may install self-service computer terminals to provide information and process motor vehicle tag renewals and other similar services in the county; and to authorize the county commission to collect additional fees from users of self-service computer terminals.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Knight (J), Maull, McAdory, McClammy, McDaniel, McMillan, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Townsend, Turnham, Vance, Venable and Willis.

-62

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 603, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McClammy, McMillan, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Pratt, Townsend, Turnham and Willis.

-57

And the bill:

H. 603. To propose an amendment to the Constitution of Alabama of 1901, for Etowah County, providing further for license taxes on certain real estate operations and transactions.

was read a third time at length and lost, lacking a three-fifths vote of all members elected to the House as required by the Constitution.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hammett, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McMillan, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Penry, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Pratt, Turnham, Vance, Venable and Willis.

-57

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Buskey offered the motion to reconsider the vote by which the bill, H. 603, was lost, and the motion to reconsider was adopted.

And the bill, H. 603, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Moore, the Budget Isolation Resolution relating to the bill, H. 573, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-64

And the bill:

H. 573. Relating to the Twelfth Judicial Circuit of Alabama; authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to

provide a collection fee; to provide funding for the new restitution recovery division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 549, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable and Willis.

-69

And the bill:

H. 549. Relating to the City of Hueytown in Jefferson County; to provide for the abatement of nuisances in the form of certain weeds, objects, or unsafe

structures; to provide notices to the property owners, hearing procedures, abatement of the nuisances, the assessment of costs against the property, and for the collection of the costs.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Layson, Lindsey, McAdory, McKee, McMillan, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable, White and Willis.

-70

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 374, were temporarily carried over at the request of Representative Sanderson.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 568, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (J), Layson, Lindsey, McAdory, McClammy, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Willis and Wren.

-70

And the bill:

H. 568. Relating to the City of Birmingham in Jefferson County; establishing a Study Commission to study the feasibility of the Birmingham Stadium and Exposition District, and creating the Birmingham Stadium and Exposition District.

was taken up.

SUBSTITUTE OFFERED

Representative Curry offered the following substitute to the bill, H. 568:

A BILL TO BE ENTITLED AN ACT

Relating to the City of Birmingham in Jefferson County; establishing a Study Commission to study the feasibility of the Birmingham Stadium and Exposition District, and creating the Birmingham Stadium and Exposition District.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) There is created a Study Commission of nine members, to be appointed as follows:

(1) Six members appointed by the Mayor of the City of Birmingham in Jefferson County.

(2) One member appointed by the Speaker of the Alabama House of Representatives.

(3) One member appointed by the Lieutenant Governor of the State of Alabama.

(4) One member appointed by the Governor of the State of Alabama.

(b) The chair and vice chair of the commission shall be elected at the first meeting by the members of the commission. The commission shall study all facets concerning the feasibility of building a domed stadium in the City of Birmingham in Jefferson County.

(c) Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the work of the commission. The commission shall be ongoing and may report its initial findings, conclusions, and recommendations to the Legislature not later than the first legislative day of the 1996 Regular Session. Each legislative member of the

commission shall be entitled to his or her regular legislative compensation, per diem, and travel expenses for each day he or she attends a meeting of the commission which shall be paid out of funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller, upon requisitions signed by the chair of the commission. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the commission shall not exceed five thousand dollars (\$5,000).

Section 2. There is created the Birmingham Stadium and Exposition District, hereinafter called the "District," which shall be a body politic and corporate and political subdivision of the State of Alabama composed of all of the territory in the City of Birmingham in Jefferson County.

Section 3. (a) The District shall be governed by a board of commissioners which shall be composed of the following members:

- (1) Two persons appointed by the Jefferson County House delegation.
- (2) Two persons appointed by the Jefferson County Senate delegation.
- (3) One person appointed by the Mayor of the City of Birmingham.
- (b) The terms of office of the members shall be as follows:

(1) The members appointed by the Jefferson County House delegation shall serve a term of three years.

(2) The members appointed by the Jefferson County Senate delegation shall serve a term of four years.

(3) The member appointed by the Mayor for the City of Birmingham shall serve a term of two years.

(c) After the initial appointment, each member shall serve four-year terms until his or her successor is appointed. All members shall be appointed from the state at large. No person shall be eligible for board membership who holds local, municipal, county, state, or federal elective office or any local, municipal, county, state or federal nonelective office. In addition, any member of the board shall be deemed to have resigned his or her board membership upon acceptance of any nonelective office with any local, municipal, county, state, or federal governmental body or upon qualifying as a candidate for any elective office and shall immediately, upon resignation, lose all rights and privileges as a member of the Board. Each member shall receive a per diem of fifty dollars (\$50) while in attendance of board meetings or on business of the board as directed by the board. Each member shall be reimbursed for actual travel expenses incurred in connection with the board meetings. However, no member of the Board of Commissioners shall receive more than \$500 per month.

(d) The domicile of the District shall be in the City of Birmingham in Jefferson County, Alabama. Upon appropriate action of the board of commissioners, the domicile may be relocated within the District to appropriate quarters within the principal structure or facility constructed or acquired by the District.

(e) After their appointment, the commissioners shall meet at the domicile and elect from their number a president, a vice president, and any other officers deemed necessary.

(1) The secretary and the treasurer of the board, which offices may be combined, may be selected by the board from its membership or otherwise selected by the board.

(2) The duties of the officers shall be defined and their salaries fixed by the board. The board shall adopt rules and regulations necessary for its government.

(3) The board may employ engineers, attorneys, accountants, construction advisors, financial advisors, superintendents, and other employees and agents deemed necessary and fix their compensation.

(4) A majority of the board shall constitute a quorum for the transaction of business. Voting by proxy shall be permitted.

(5) The board shall keep a record of all of its proceedings. The records of the board shall be public records available for inspection and copying at a reasonable cost by news media and any citizen during regular business hours.

Section 4. (a) The purpose for which the District shall be created shall be to plan, finance, construct, develop, maintain, and operate facilities to be located within the District to accommodate the holding of sports events, athletic contests, and other events of public interest.

(b) The District shall constitute an instrumentality of the State of Alabama, exercising public and essential governmental functions. The exercise by the District of the powers conferred in this act shall be deemed and held to be essential governmental functions of the State of Alabama. The exercise of the powers granted shall be for the benefit of the people of the State, for the increase of their commerce and prosperity.

(c) The District shall not be required to pay any taxes or assessments upon any property acquired or used by it pursuant to this act, upon the income therefrom. Any bonds issued pursuant to this act and the income therefrom shall be exempt from taxation by the State of Alabama and by any county, municipality, or political subdivision of the state.

(d) The District shall not be subject in any respect to the authority, control, or supervision of any regulatory body of the state or any political subdivision of the state.

(e) The books and records of the District shall be subject to audit annually by the State Auditor, its employees shall be listed on the central listing of state employees, and it shall invest its idle funds in accordance with the investment of the idle funds act.

(f) The District, the commissioners, and the employees shall be subject to the State Ethics Commission.

Section 5. The District shall have the power to do any of the following:

(1) Sue and be sued in its own name.

(2) Plan, acquire, finance, own, construct, operate and maintain an enclosed and covered stadium for use as coliseums, sports arenas, sports pavilions, exposition sites, field houses, or other buildings or structures for holding sports events, athletic contests, contests of skill, exhibitions, spectacles, and other public meetings, and pertinent indoor and outdoor recreational facilities, recreation centers, playing fields, courts, gymnasiums, club houses, parking facilities and areas, other suitable concessions appertaining thereto, related buildings, and all facilities and properties incidental and necessary to a complex suitable for any or all types of sports and recreation, on, above, and below the ground, appurtenances, incidentals and all types of property therefor, real or personal, or both real and personal, including servitudes and rights-of-way, or any combination.

(3) Acquire by expropriation, purchase, lease, or otherwise, the land and any other property that may be necessary and appropriate to the execution of the purposes of the District.

(4) Enter into contracts for the use of the facilities or any portion of the facilities pursuant to subdivision (2), with any person or corporation, public or private, with the State of Alabama or any of its various agencies, or with any political subdivision of the state or with any combination thereof, for events or programs or series of events or programs, including but not by way of limitation series of football or other athletic games or events, extending over such term deemed appropriate by the District.

(5) Execute leases to the state, its agencies or subdivisions for a term not exceeding 40 years at a fixed rental, or for a term not exceeding 99 years provided the latter leases shall contain a clause or clauses for readjustment of the rentals upon the expiration of a primary term of 40 years.

(6) Borrow with the approval of the State Finance Department from any person or corporation using or renting any of the facilities in subdivision (2) in sums determined by the State Finance Department to improve any of the facilities according to plans and specifications approved by the State Finance Department.

(7) Erect and construct improvements, and enter into an agreement that the loan or loans pursuant to subdivision (6) shall be liquidated by deducting from the

rentals, payable for the use of the facilities so leased, the percentage thereof to be agreed upon, subject, however, to any covenants or agreements made with the holders of bonds issued under the authority in this act.

- (8) Collect admissions, tolls, rentals and any and all other charges and fees.
- (9) Borrow funds for the execution of the purposes of the District.
- (10) Levy and collect hotel occupancy taxes pursuant to this act.
- (11) Mortgage any of the facilities constructed or acquired by the District.
- (12) Mortgage and pledge any lease or leases and the rents, income, and other advantages arising out of any lease or leases granted, assigned, or subleased by the District.
- (13) Collect fees, rentals, and other charges for the use of the facilities of the District.
- (14) Incur debt and issue bonds or other obligations for the needs of the District as prescribed in this act.

Section 6. (a) Any other provisions of the Constitution and laws of the State to the contrary notwithstanding and without compliance with any other constitutional or statutory provisions relative to leasing of public facilities the State of Alabama or any of its various agencies, or any political subdivision thereof, or any combination of the foregoing shall have the right and authority to lease the facilities of the District or any portion thereof and provide for the payment of the consideration through the appropriation of funds or otherwise.

(b) The obligations of the lessee or lessees under any lease shall constitute a charge against the revenues of the lessee or lessees to the extent and in the manner agreed upon by the parties.

(c) In the event the State of Alabama or any of its various agencies or any political subdivision of the state or any combination of the foregoing shall lease all or any portion of the facilities of the District, then the entities shall have the right to sublease to any person or corporation, public or private, all or any portion of the facilities leased upon the terms and conditions as they may determine.

Section 7. As a grant of power in addition to any other authority to issue bonds, the District may, with the approval of the State Finance Department, do any of the following:

- (1) Issue negotiable bonds of the District from time to time for any purpose within the authority delegated to the District.
- (2) Pledge for the payment of the principal and interest of the negotiable

bonds the income and revenue derived or to be derived from the properties and facilities maintained and operated by or received by the District from all other sources, including but not by way of limitation other moneys which by law or contract may be made available to the District.

(3) Prescribe the conditions and details of the bonds. In addition to the pledge of income and revenues to secure the bonds, the District may further secure their payment by a. a conventional mortgage upon any or all of the properties constructed or acquired, or to be constructed and acquired by the District, or b. the proceeds of taxes authorized to be imposed pursuant to this act. The bonds shall be authorized and issued by a resolution of the board of commissioners of the District and shall be of a series, bear the date or dates, mature at the time or times not exceeding 40 years from their respective dates, bear interest at the rate or rates not exceeding six percentum per annum, payable semiannually, be in denominations, be in such form, either coupon or fully registered without coupons, carry the registration and exchangeability privilege, be payable in the medium of payment and at the place or places, be subject to the terms of redemption not exceeding 105 percent of the principal amount thereof, and be entitled to priorities on the income, revenues, and taxes of the District as the resolution or resolutions provide. The bonds shall be signed by the president and secretary of the board of commissioners of the District, one of which signatures may be a facsimile, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of the officers of the District. Any bonds may be issued and delivered, notwithstanding that one or more of the officers signing the bonds or the officer or officers whose facsimile signature or signatures may be upon the coupons shall have ceased to be an officer or officers at the time the bonds shall actually have been delivered. The bonds shall be sold for not less than par and accrued interest to the highest bidder at public sale after advertisement by the District at least once a week for three weeks, with the first publication being not less than 21 days prior to the date of sale, in a newspaper of general circulation within the District and in a financial newspaper or journal published in the City of New York or the City of Chicago, reserving to the District the right to reject any and all bids and to readvertise for bids.

Section 8. (a) The board may in any resolution authorizing the issuance of the bonds do any of the following:

(1) Enter into covenants with the future holder or holders of the bonds as to the management and operation of the facilities and the lease or rental of the facilities.

(2) Impose and collect fees and charges for services and facilities furnished by the District.

(3) Dispose of fees and revenues.

(4) Issue future bonds and the creation of future liens and encumbrances against the facilities and the revenues therefrom.

(5) Carry insurance on the facilities.

(6) Keep books and records, and other pertinent matters, as deemed proper by the board to assure the marketability of the bonds, provided the covenants are not inconsistent with this act.

(b) Any holder of the bonds or of any of the attached coupons may by appropriate legal action compel performance of all duties required of the board and officials of the District by this act. If any bond issued pursuant to this act is permitted to go into default as to principal or interest, any court of competent jurisdiction may, pursuant to the application of the holder of the bond, appoint a receiver for the facilities of the District. The receiver shall be under the duty of operating the facilities and collecting and distributing the revenues pledged to the payment of the bonds, pursuant to this act and the resolution authorizing the bonds. The board may additionally secure the bonds by conventional mortgage on all or any part of the properties or facilities acquired, constructed, extended, or improved with the proceeds. The board may make and enforce the mortgage and the provisions contained in the mortgage.

Section 9. If more than one series of bonds shall be issued payable from the revenues of any facility, priority of lien on the revenues shall depend on the time of delivery of the bonds. Each series of bonds shall have a lien prior and superior to that of any series of bonds subsequently delivered. Where provision is made in the proceedings authorizing any issue or series of bonds for the issuance of additional bonds in the future on a parity therewith pursuant to procedure or restrictions provided in the proceedings, additional bonds may be issued in the future on a parity with the issue or series in the manner provided in the proceedings. When any issue or series of bonds shall be authorized as a unit but delivered from time to time in blocks, the board may in the proceedings authorizing the issuance of the bonds provide that all of the bonds of the series or issue shall be coequal as to lien regardless of the time of delivery.

Section 10. The board may issue bonds pursuant to this act payable from the revenues to be derived from two or more facilities owned and operated by the District, whether or not the facilities are related or used in conjunction, for the purpose of constructing, acquiring, extending, or improving any one or more of the facilities. The bonds may be additionally secured by a conventional mortgage upon the facilities and the taxes authorized to be imposed pursuant to this act.

Section 11. (a) The board may authorize the issuance of refunding bonds of the District for the purpose of refunding outstanding bonds issued pursuant to this act. The refunding bonds may either be sold and the proceeds applied to or deposited in escrow for the retirement of the outstanding bonds or may be delivered in exchange for the outstanding bonds.

(b) The refunding bonds shall be authorized in all respects as original bonds are required to be authorized pursuant to this act. The board in authorizing the refunding bonds shall provide for the security of the bonds, the sources from which

the bonds are to be paid, and for the rights of the holders of the bonds in all respects as provided for other bonds issued under authority of this act. The board may also provide that the refunding bonds shall have the same priority of lien on the revenues pledged for their payment as was enjoyed by the bonds refunded.

(c) No bonds may be refunded unless they either mature or are callable for redemption under their terms within 10 years from the date of issuance of the refunding bonds, or unless the holders of the bonds voluntarily surrender them for exchange or payment; provided, however, that no refunding bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95% of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined.

Section 12. It may be provided in the resolution authorizing any bonds under this act that the bonds shall recite that they are issued under authority of this act. The recital shall conclusively import full compliance with this act and all bonds issued containing the recital shall be incontestable for any cause whatsoever after their delivery for value after 30 days from the date of publication of the resolution authorizing their issuance.

Section 13. (a) No proceedings in respect to the issuance of any bonds shall be necessary except as are contemplated by this act. For a period of 30 days from the date of publication of the resolution authorizing the issuance of bonds, any person or persons in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, after which time no one shall have any cause or right of action to contest the legality of the resolution or of the bonds authorized for any cause.

(b) If no suit, action, or proceedings are begun contesting the validity of the bonds within the prescribed 30 days, the authority to issue the bonds and to provide for the payment, the legality, and the resolution authorizing the issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into the matters.

(c) The bonds shall have all the qualities of negotiable instruments under the negotiable instruments law of the State of Alabama.

Section 14. (a) In order to provide funds for the purposes of the District, the District may levy and collect a tax upon the occupancy of hotel rooms located within the District. The tax shall be in the amount of four and one-half percent of the rent or fee charged for the occupancy for a period of 36 months from the date of the imposition of the tax and thereafter shall be in the amount of four percent of the rent or fee. Hotel shall mean and include any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging, or sleeping purposes to transient guests, where the establishment consists of 10 or more guest rooms. "Hotel" does not include any hospital, convalescent or nursing home, sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families. The tax shall be paid by the person who exercises or is entitled to occupancy of the hotel room, and shall be paid at the time the rent or fee for occupancy is paid. The tax shall not apply to the rent for hotel rooms rented to the same occupant for a period of 30 or more consecutive calendar days nor shall it apply to hotel rooms rented for less than three dollars a day.

(b) The District shall impose the tax by ordinance adopted by its board of commissioners, who shall have the right to provide in the ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the tax. The District shall also have the authority to provide by contract with the fiscal agents of Jefferson County for the collection of the tax.

(c) In the event the occupancy tax is imposed, the state sales and use tax on hotel fees and rentals covered by the occupancy tax, as well as all other local sales or use taxes levied within the District prior to the effective date of this act by any political subdivision of the state on the hotel fees and rentals, shall be abated during the period of the levy of the occupancy tax. The intent of this act is to exempt the rentals and fees from the sales and use taxes in consideration of the economic and financial benefits accruing to the state, the City of Birmingham, and Jefferson County from the construction and operation of the facilities of the District.

(d) The ordinance imposing the hotel occupancy tax may not be adopted by the board of commissioners of the District unless prior thereto the City of Birmingham and Jefferson County each adopt, in the manner provided for the adoption of ordinances in their respective charters, ordinances consenting to the exemption above provided from their own respective sales and use taxes of hotel room rentals and fees subject to the authorized hotel occupancy tax.

(e) Upon the payment in full in principal and interest of all bonds issued by the District under the terms of this act and secured by all or any portion of the hotel occupancy tax or upon the irrevocable deposit of sufficient funds for the payment and redemption of all bonds in principal, interest, and redemption premiums, if any, to their respective maturity or call dates, the levy of the hotel

occupancy tax shall be discontinued and terminated. If no bonds have been issued by the District, secured by all or part of the proceeds of the hotel occupancy tax, then the tax may be terminated at any time by resolution of the board. In the absence of a resolution terminating the tax, the tax shall automatically terminate in five years from the date of the adoption of the resolution imposing the tax. Termination of the occupancy tax shall automatically terminate the exemption herein provided of hotel room rentals and fees from the sales and use taxes of the State of Alabama, the City of Birmingham, and Jefferson County.

Section 15. The District may pledge all or any part of the proceeds of the occupancy tax to the payment of bonds authorized pursuant to this act under the terms and conditions consistent with this act as its board of commissioners may prescribe and as are contained in the resolution or resolutions providing for the issuance of the bonds.

Section 16. When any bonds that have been issued and secured by all or any portion of the occupancy tax, neither the Legislature, the District, nor any other authority may discontinue or decrease the tax or permit to be discontinued or decrease the tax in anticipation of the collection of which the bonds have been issued, or in any way make any change in the allocation and dedication of the proceeds of the tax which would diminish the amount of tax revenues to be received by the District until all of the bonds shall have been retired as to principal and interest or irrevocable provision otherwise made for their complete redemption and payment in principal and interest and redemption premium, if any.

Section 17. (a) Any revenues of the District derived from any source whatsoever, including the hotel occupancy tax, remaining at the end of each fiscal year after the payment and satisfaction of all obligations of the District under the terms of any resolution or resolutions authorizing the issuance of bonds, and after payment of all expenses of maintaining and operating the facilities of the District, providing for the renewal or replacement thereof, the acquisition or construction of improvements and betterments to the facilities and the purchase of equipment and furnishing therefor, shall be considered as surplus. The proportion of total surplus as the amount of occupancy tax collected in the City of Birmingham to the total occupancy tax collected shall be considered the Birmingham surplus, and the remainder shall be considered the Jefferson surplus. The Birmingham surplus shall be distributed by the District each year one-third to the City of Birmingham, and two-thirds to the State. The Jefferson surplus shall be distributed by the District each year one-third to Jefferson County and two-thirds to the State. These surplus funds may be used by the recipients for any lawful purposes.

(b) Notwithstanding the foregoing provisions of this section, prior to the issuance of any bonds, any revenues of the District derived from any source whatsoever, including the hotel occupancy tax, may be used by the District for the payment of any expenses incurred in determining the feasibility of a facility or facilities and developing plans therefor, including engineering, architectural, legal, and administrative costs and incidental fees. Any revenues of the District remaining at the end of each fiscal year prior to the issuance of bonds and after

the payment of expenses, costs, and fees shall be considered as surplus and shall be distributed as provided in this act.

Section 18. The District may receive by gift, grant, donation, or otherwise any sum of money, aid or assistance from private sources, from the United States, the State of Alabama, or any political subdivision thereof, and unless otherwise provided by the terms of the gift, grant, or donation, in its discretion, to pledge all or any part of the moneys for the further securing of the payment of the principal and interest of its bonds.

Section 19. Nothing contained in this act shall be construed to deprive either the City of Birmingham or Jefferson County of its authority to conduct, under its own auspices, programs of recreation for its residents and to acquire, own, and operate facilities as are determined by their respective governing authorities, to be necessary to the continuation and improvement of recreation programs now or hereafter conducted under existing constitutional and statutory authority delegated to them.

Section 20. No bond issued pursuant to this act shall be secured by the good faith and credit of the state.

Section 21. This act is to be regarded as self-sufficient and self-executing without any supplementary action on the part of the Legislature or any other state authority. The Legislature may fully define the rights and obligations of the District or otherwise legislate in any manner and to any extent with regard to the Birmingham Stadium and Exposition District, its governing body and its powers, duties, and functions, but no changes or legislation shall impair the obligation of any contract or contracts entered into by the District.

Section 22. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 23. All laws or parts of laws which conflict with this act are hereby repealed.

Section 24. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McClammy, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Venable, Willis and Wren.

-66

And the bill:

H. 568. Relating to the City of Birmingham in Jefferson County; establishing a Study Commission to study the feasibility of the Birmingham Stadium and Exposition District, and creating the Birmingham Stadium and Exposition District.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Mitchell, Escott-Russell, Denton, Roberts, Biddle, Langford, Clay, Butler, Hale, Bailey, Ghee, Armistead, Davidson, Myers, Barron, Lindsey, Freeman, Waggoner, Hill, Windom, Dial, McClain, Adams, Steele, Smith, Smitherman, Mitchem, Bedford, Amari, and Poole:

S.J.R. 63. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON STATE PURCHASING AND PROCUREMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Legislative Committee to study state purchasing and procurement. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of state purchasing and procurement.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 5th legislative day of the 1996 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$10,000.

The committee shall have subpoena power.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 63, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Lindsey, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 75. COMMENDING "SKATE THE STATE" PARTICIPANTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 75, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Lindsey, Windom, Little, Hill, and Lipscomb:

S.J.R. 76. COMMENDING CHARLES D. KELLEY OF MONTGOMERY, ALABAMA.

Also:

By Senator Armistead:

S.J.R. 77. DESIGNATING JUNE 1995 AS FATHERHOOD MONTH IN THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 76, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 77, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Butler, Freeman, Denton, Roberts, Barron, Bedford, Mitchem, and Hale:

S.J.R. 79. URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO SUPPORT THE CONTINUING EXISTENCE OF THE NATIONAL WEATHER SERVICE STATION IN HUNTSVILLE, ALABAMA.

Also:

By Senator Sanders:

S.J.R. 80. HONORING THE REVEREND CHARLES A. LETT, JR., FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 79, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 80, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 217. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 13th legislative day, Thursday, June 1, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
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H. 453 - By Haney	59
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Credit cards, definition of expanded for purposes of illegal possession, Sec. 13A-9-14 am'd.

H. 443 - By Hooper	57
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State property, inventories by the State Auditor's office, Secs. 36-16-8, 41-1-6 am'd.

H. 166 - By Guin	16
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Industrial Development Authorities, organized by counties, appointment of directors by local legislative delegation, Sec. 11-92A-5 am'd.

H. 449 - By Newton (D)	47
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District Court, civil jurisdiction incr., Secs. 12-11-30, 12-12-30 am'd.

H. 291 - By Dukes (As Amended)	16
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Competitive bids on public contracts, variance when let by local government entity to local bidder, Secs. 41-16-50, 41-16-51, 41-16-54 am'd.

H. 504 - By Rogers (M)	54
Youth Services Bd., membs. per diem, Sec. 44-1-51 am'd.	
H. 198 - By Penry	34
Schools, guns, expelling of students for bringing guns to school, local bds. to develop policy	
H. 503 - By Vance	58
Funeral Service Bd., regulations, fines for violations, alt., Sec. 34-13-56 am'd.	
H. 142 - By Buskey (As Amended)	20
Corrections Dept., inmates in co. jails, responsibility of dept. for medical care, Sec. 14-3-30 am'd.	
H. 435 - By McKee	26
Child and spousal support, revocation of licenses, including driver's and professional licenses, for failure to pay, hearing before Human Resources Dept.	
H. 484 - By Penry (As Substituted)	64
Class 8 muns., mayor's office, referendum of status of full-time mayor, subsequent referendum in change of govt., term	
H. 401 - By Petelos	48
Support payments, child and spousal, including medical support, method of crediting payments, Sec. 8-8-11 am'd.	
H. 322 - By McDaniel	7
Industrial Relations Dept., assessment pursuant to Employee Security Program, deleted, termination date, Secs. 25-4-40.1, 25-4-54 am'd.	
H. 340 - By Hooper	8
State Insurance Fund, salvage of prop., procedure alt., Sec. 41-15-4 am'd.	
H. 330 - By Carns (As Substituted)	51
Professional geologists, lic. regulated, bd. estab., approp.	

**REGULAR SESSION
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H. 592 - By Hill (As Amended) 79

Real estate appraisers, Registered Real Property Appraiser classification estab., exemptions, Secs. 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10 and 34-27A-11 am'd.

H. 599 - By Hammett 81

Nurse Practitioners, auth. to dispense cert. drugs

H. 609 - By Graham 87

Teachers and ed. personnel, Catastrophic Sick Leave Program, donation of sick leave bank plan, membership requirements, Sec. 16-22-9 am'd.

H. 556 - By Hamilton 73

Acts and Journals, publication and distrib. by Sec. of State, alt., Sec. 41-4-150 am'd.

H. 339 - By Hooper 19

Employees' Retirement System, reopen for prior service credit in State Economic Opportunity Office

H. 525 - By Hawk 72

Child placement, ct. to make specific findings re best interests of child, reasonable efforts, Sec. 12-15-65 am'd.

H. 487 - By Box 50

Mental Health and Mental Retardation Dept., FBI background check auth., Sec. 22-50-90 am'd.

H. 188 - By Thomas (D) (As Amended) 23

Dogs, impoundment and destruction after infliction of serious physical injury under cert. circumstances, notice to owner, hearing in dist. ct.

H. 558 - By Millican (As Substituted) 77

Public Safety, non-driver identification cards for 62 years and over, for mentally and physically disabled, issuance provided for, costs, Secs. 32-6-4, 32-6-4.1 am'd.

H. 579 - By Parker (T) (As Amended) 73

Driving Under Influence, person charged with DUI would be subject to enhanced penalties, Sec. 32-5A-191 am'd.

H. 380 - By Morton (As Amended) 85

Credit unions, bd. membs., qualifications and appointments, membership fees, conservator powers of administrator, opinions, Secs. 5-17-4, 5-17-8, 5-17-46, 5-17-55 am'd.

H. 624 - By Johnson (E) 80

Disruptive students, local bds. of ed req. to define disruptive behavior, penalties include in-school suspension, parents attend class, disciplinary school, boot camp estab. by local bd.

H. 286 - By Newton (D) (As Substituted) 17

Public accountants, practice by means of a limited liability company or limited liability partnership, to provide definitions, Secs. 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, 34-1-21 am'd.

H. 547 - By Dolbare 79

Mowa Choctaw Housing Authority, membership removal hearing by tribal council, Sec. 24-7-2 am'd.

H. 49 - By McDaniel 5

Vending machines, license taxes alt., sale of unstamped products, penalties incr., Sec. 40-12-176, am'd.

H. 534 - By Sanderson 55

Real estate, licensee, fee for research and ed. levied, Secs. 34-27-4, 34-27-31, 34-27-35 am'd.

On motion of Representative Carter, the resolution, H.R. 217, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 453, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 453. To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 453:

Representatives Baker, Bandy, Burke, Carter, Clark (J), Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hayden, Hill, Hooper, Houston, Jackson, Knight (A), McAdory, McClammy, McDaniel, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Parker (T), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Vance, White, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 443, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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S. 59 SUBSTITUTED FOR H. 443

In accordance with House Rule 20 and on motion of Representative Hooper, the bill, S. 59, was substituted for the bill, H. 443.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, S. 59, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

And the bill:

S. 59. To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

was read a third time at length and passed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 166, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hooper, Houston, Jackson, Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-76

And the bill:

H. 166. To amend Section 11-92A-5, Code of Alabama 1975, relating to the manner of appointing members of the board of directors of certain industrial development authorities to permit a county legislative delegation to make appointments to the authorities.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Hall (A), Hamilton, Hammett, Haney, Hayden, Hill, Hinshaw, Holmes, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Venable, Warren, White, Willis and Wren.

-75

H. 443 INDEFINITELY POSTPONED

On motion of Representative Hooper, the bill, H. 443, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 449, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance and Willis.

-83

And the bill:

H. 449. To amend Sections 12-11-30 and 12-12-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit and district courts, to increase the civil jurisdiction of the district courts.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham and Willis.

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Nay:

Representative Collins.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 291, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, White and Willis.

-81

And the bill:

H. 291. (With Amendment): To amend Sections 41-16-50, 41-16-51, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for recycling between municipalities and counties and those providing the service; and to provide that all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend House Bill 291 on page 1, line 25 following the word "service." by adding the following language: "This bill would also provide for an increase in the

minimum expenditures for the lease of heavy duty off-highway equipment before the requirements of the competitive bid law would be met."

Further amend House Bill 291 on page 2, line 16 after the word "service;" by inserting the following: "to provide for an increase in the minimum expenditures for the leasing of heavy duty off-highway equipment;"

Further amend House Bill 291 on page 9, following line 25 by inserting the following:

"§41-16-52.

"(a) All expenditures of funds of whatever nature for repair parts and repair of heavy duty off-highway construction equipment and of all vehicles with a gross vehicle weight rating of 25,000 pounds or greater, including machinery used for grading, drainage, road construction and compaction for the exclusive use of county and municipal, highway, street and sanitation departments, involving not more than ~~\$6,000.00~~ \$15,000 made by or on behalf of any county commissions and the governing bodies of the municipalities of the state, and the governing bodies of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, shall be made, at the option of said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article. The foregoing exemption from the provisions of this article shall apply to each incident of repair as to any such repair parts, equipment, vehicles or machinery. The amount of such exempted expenditure shall not be construed to be an aggregate of all such expenditures per fiscal year as to any individual vehicle or piece of equipment or machinery.

"(b) The option provided by subsection (a) of this section may be exercised by said governing boards, bodies, instrumentalities and commissions by specific reference to this section on any and all purchase orders and purchase commitments executed by said governing boards, bodies, instrumentalities and commissions; provided, however said option shall not be exercised by any employee, agent or servant unless done so after having received official prior approval of the respective governing board, body, instrumentality or commission or unless exercised pursuant to a formal policy adopted by such governing board, body, instrumentality or commission setting out conditions and restrictions under which such option shall be exercised.

"(c) All expenditures of funds of whatever nature for the leasing of heavy duty off-highway construction equipment and all vehicles with a gross vehicle weight rating of 25,000 pounds or greater, including machinery for grading, drainage, road construction and compaction for exclusive use of county and municipalities, highway, street and sanitation departments, involving a monthly rental of not more than ~~\$3,000.00~~ \$5,000.00 per month per vehicle or piece of equipment or machinery but not to exceed ~~\$8,000.00~~ \$15,000.00 per month for all such vehicles and pieces of equipment made by or on behalf of any county commissions and the governing boards of municipalities of the state and the

governing bodies of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions shall be made, at the option of the said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sims, Smith, Spratt, Townsend, Venable, Warren, White and Willis.

-80

And the bill:

H. 291. To amend Sections 41-16-50, 41-16-51, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for recycling between municipalities and counties and those providing the service; to provide for an increase in the minimum expenditures for the leasing of heavy duty off-highway equipment; and to provide that all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare,

Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, H. 504, was adopted.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Venable, Warren, White, Willis and Wren.

-81

Nay:

Representative Laird.

- 1

And the bill:

H. 504. To amend Section 44-1-51, Code of Alabama 1975, to provide further for the per diem of members of the Youth Services Board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Venable, Warren, Willis and Wren.

-77

Nay:

Representative Laird.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative White intended to vote "Yea" on passage of the bill, H. 504.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 198, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Warren, White, Willis and Wren.

-85

And the bill:

H. 198. To require local boards of education to develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who have brought to school or have in their possession a firearm in school buildings, on school grounds, on school buses, or at any other school-sponsored function.

was taken up.

AMENDMENT OFFERED

Representative Penry offered the following amendment to the bill, H. 198:

Amend H. 198 on page 3, Section 2, line 4, by deleting after the word Section the number 21 and inserting in lieu thereof the number 921.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Vance, Willis and Wren.

-74

And the bill:

H. 198. To require local boards of education to develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who have brought to school or have in their possession a firearm in school buildings, on school grounds, on school buses, or at any other school-sponsored function.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 198, as amended:

Representatives Allen, Baker, Bandy, Box, Boyd, Burke, Carter, Clark (J), Clouse, Collins, Crigler, Drake, Dukes, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hinshaw, Hooper, Houston, Johnson (E), Jorgensen, Knight (J), Laird, McAdory, McClammy, McDaniel, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Petelos, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Turner, Venable, Warren and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Vance, the Budget Isolation Resolution relating to the bill, H. 503, was adopted.

Yeas 76; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrow, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne,

Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend, Turnham, Venable, Warren, Willis and Wren.

-76

And the bill:

H. 503. To amend Section 34-13-56, Code of Alabama 1975, relating to funeral services; and to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or regulations promulgated by the board.

was taken up.

SUBSTITUTE OFFERED

Representative Vance offered the following substitute to the bill, H. 503:

To amend Section 34-13-23 and Section 34-13-56, Code of Alabama 1975, relating to funeral services; to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or regulations promulgated by the board; and to provide that fines received pursuant to this act be deposited into the Alabama State Funeral Directors and Embalmers Fund.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 217, the time to debate the bill, H. 503, and the pending substitute offered by Representative Vance expired and the Speaker proceeded to the next bill on the Special Order Calendar.

H. 142 TAKEN UP

And the bill:

H. 142. (With Amendments): To amend Section 14-3-3, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment

or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 142 on Page 4 by striking lines 23 and 24 in their entirety and inserting in lieu thereof the following:

"October 1, 1995, upon its passage and approval by the Governor or its otherwise becoming a law."

SUBSTITUTE OFFERED

Representative Buskey offered the following substitute to the bill, H. 142, and to the pending amendments reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To amend Section 14-3-30, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail and the department is in receipt of a transcript of the sentence, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail and the department is in receipt of a transcript of the sentence, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 14-3-30, Code of Alabama 1975, is amended to read as follows:

"§14-3-30.

"(a) When any convict is sentenced to the penitentiary, the judge of the court in which the sentence is ~~had rendered~~ shall order ~~such convict~~ the inmate to be confined in the nearest secure jail, ~~and the~~. The clerk of the court shall at once notify the ~~department of corrections~~ Department of Corrections as to the jail where ~~such convict~~ the inmate is confined, forward to it ~~the department~~ a copy of the judgment entry and sentence in the case, and inform it ~~the department~~ if any special care ~~be is~~ necessary to guard ~~such convict~~ the inmate. Thereupon, the department shall direct where ~~such~~ the convict shall be taken for confinement or hard labor.

"(b) When an inmate sentenced to the custody of the department is being housed in a county jail and the department is in receipt of a transcript of the sentence, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department shall be financially responsible for the cost of the treatment of the inmate. The department shall receive any contractual discounts the medical-care facility has agreed to grant for the treatment of inmates housed in state correctional facilities. When an inmate sentenced to the custody of the department is housed in a county jail and the department is in receipt of a transcript of the sentence, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate shall be transferred within three days to a state owned or operated correctional facility or to the physical custody of the department as determined by the Commissioner of the Department of Corrections. The inmate shall receive treatment in the same manner as other state inmates. Nothing in this subsection shall be interpreted to relieve the department of its responsibility for the maintenance and upkeep, including the payment of medical costs, of an inmate sentenced to the custody of the department, nor shall this subsection be interpreted as conferring any additional responsibility upon a county for the maintenance and upkeep, or the payment of medical costs, of any inmate sentenced to the custody of the department.

Section 2. This act shall become effective on October 1, 1995 after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

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And the bill:

H. 142. To amend Section 14-3-30, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail and the department is in receipt of a transcript of the sentence, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail and the department is in receipt of a transcript of the sentence, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry,

Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Wren.

-90

BUDGET ISOLATION RESOLUTION OFFERED

Representative McKee offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 435.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 217, the time to debate the bill, H. 435, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 59. To provide further for the inventory of certain state property and to amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 484, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Venable, Warren and Willis.

-77

And the bill:

H. 484. (With Substitute): Relating to the status of mayor in a Class 8 municipality with a mayor-council form of government; to provide that a Class 8 municipality may provide for a referendum at which the registered voters of the city may vote on the issue of whether, after the 1996 municipal election, the office of mayor will be a full-time position; to establish the appropriate procedures for the referendum; to further provide for the duties of a mayor in a Class 8 municipality that subsequently changes from a mayor-council form of government to a form of government other than a mayor-council form of government.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the status of mayor in a Class 8 municipality with a mayor-council form of government; to provide that a Class 8 municipality may provide for a referendum at which the registered voters of the city (town) may vote on the issue of whether, after the 1996 municipal election, the office of mayor will be a full-time position; to establish the appropriate procedures for the referendum; to further provide for a subsequent referendum concerning the duties of a mayor in such Class 8 municipality in the event that the governing body subsequently determines that the status of mayor need not be full-time.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The governing body of a Class 8 municipality may, by resolution adopted within 60 days after the date on which the United States Justice Department determines not to interpose objection to this act, provide for a referendum of the registered voters of the city or town to determine public opinion as to whether the candidate elected mayor at the 1996 municipal election, and thereafter, shall serve in a full-time capacity. Except as otherwise provided herein, any referendum conducted pursuant to this act shall comply with general municipal election laws for special elections.

Section 2. At the referendum, the proposition to be submitted shall be printed in plain prominent type on ballots separate and distinct from ballots used for any other office or question and shall read substantially as follows:

"Check one of the following:

"(1) Do you favor the Office of Mayor of the City (Town) of _____ being a full-time position with the City (Town) of _____ for the person elected at the 1996 municipal election and thereafter?

"Yes _____ No _____."

The voter shall mark the ballot with a cross mark (x) after the proposition which expresses his or her choice. If voting machines are used at any voting place in the referendum, the proposition may, at the discretion of the election commission or other body or official having charge of the conduct of municipal elections, be submitted as separate propositions on the voting machines.

Section 3. If a majority of voters vote in favor of the mayor of the Class 8 municipality being full-time, the governing body of the city may provide, by ordinance, that the mayor of the Class 8 municipality shall serve in a full-time capacity, until such time, if any, that the municipality subsequently holds a referendum on the issue as provided by Section 6 of this act.

Section 4. Upon certification of the results of the referendum by the election official, the governing body of the municipality shall, at least six months prior to the next regularly scheduled election, establish the salary of the mayor as provided by general law.

Section 5. In the event the mayor is serving on a full-time basis and a vacancy occurs in the office of mayor, the city council may provide, by resolution, that the officer who fills the vacancy would not be required to serve on a full-time basis for the remainder of that term.

Section 6. In the event that the governing body of any Class 8 municipality, which has adopted an ordinance pursuant to Section 3 of this act, shall later determine that it would be in the best interests of the municipality that a

subsequent referendum be held to reconsider the status of the mayor as a part-time position in such city (town), then the governing body may, by resolution, provide for a subsequent referendum upon the issue and, if so provided, the ballot shall be substantially as set forth in Section 2 of this act, except that the question presented shall read substantially as follows:

"Check one of the following"

"(1) Do you favor that the office of mayor of the City (Town) of _____ shall no longer be required to be a full-time position?

"Yes ____ No ____"

If a majority of the voters voting cast their votes in favor of no longer requiring the position of mayor to be full time, then the governing body of the municipality may adopt an ordinance in effect repealing the previous ordinance requiring the mayor to serve in a full-time position, and the ordinance shall become effective when the next mayor takes office. The votes shall be canvassed and certified in the same manner as provided by Section 4 of this act and the governing body shall establish the salary of the mayor at least six months prior to the next regularly scheduled municipal election.

Section 7. All laws and parts of laws, general, local, or special, relating to or affecting the Class 8 municipality, its powers, duties, functions, and property, in force when this act takes effect, are hereby continued in effect, and this act shall be supplemental to all laws relating to the exercise of powers, functions, and duties of the mayor of the Class 8 municipality.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise provided by this act.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L),

Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-87

And the bill:

H. 484. Relating to the status of mayor in a Class 8 municipality with a mayor-council form of government; to provide that a Class 8 municipality may provide for a referendum at which the registered voters of the city (town) may vote on the issue of whether, after the 1996 municipal election, the office of mayor will be a full-time position; to establish the appropriate procedures for the referendum; to further provide for a subsequent referendum concerning the duties of a mayor in such Class 8 municipality in the event that the governing body subsequently determines that the status of mayor need not be full-time.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 401, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-86

And the bill:

H. 401. To amend Section 8-8-11 of the Code of Alabama 1975, to provide that when a partial payment is made on a judgment for child or spousal support, including medical support, the payment shall be applied first to the principal due and the balance of the payment, if any, would be applied to the payment of the interest.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 216. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 188. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative McDaniel offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 322.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 217, the time to debate the bill, H. 322, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 218. CONGRATULATING JAMES AND ANN RAY OF TROY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 340, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

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And the bill:

H. 340. To amend Section 41-15-4 of the Code of Alabama 1975, to allow the State Insurance Fund to arrange for the salvage and sale of property and fixtures for which it has paid the insured value after a loss.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree,

13th Day

Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carns, the Budget Isolation Resolution relating to the bill, H. 330, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Townsend, Turnham, Venable, Warren, White and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 179. COMMENDING ANITA TATUM FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

Also:

H.J.R. 182. COMMENDING NICOLETTE MOLENAAR OF HOLLAND, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 184. COMMENDING SUZANNE JACKSON CRUMP OF TUSCALOOSA, ALABAMA.

Also:

H.J.R. 192. MOURNING THE DEATH OF MARK WINDSOR OF ROANOKE, ALABAMA.

Also:

H.J.R. 194. EXPRESSING SYMPATHY AND SUPPORT FOR STORM VICTIMS IN NORTH ALABAMA.

Also:

H.J.R. 200. MOURNING THE DEATH OF ANNIE PEARL RICHARDSON OF MOBILE, ALABAMA.

Also:

H.J.R. 201. RECOGNIZING AND COMMENDING THE JEFFERSON LOVELL CHAPTER #2575, UNITED DAUGHTERS OF THE CONFEDERACY, JASPER, ALABAMA.

Also:

H.J.R. 203. COMMENDING NANCY CARTER BILLINGS OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 205. COMMENDING THE TALLASSEE HIGH SCHOOL BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 209. COMMENDING JANE WATKINS UPON HER RETIREMENT FROM CALHOUN COMMUNITY COLLEGE.

Also:

H.J.R. 211. COMMENDING THE FRANKLIN COUNTY SHERIFF'S DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 212. COMMENDING ANDREW OLIVER WHITE OF DADEVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

H. 330 TAKEN UP

And the bill:

H. 330. (With Substitute): To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 217, the time to debate the bill, H. 330, and the pending substitute reported by the Standing Committee on State Administration expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 592, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

And the bill:

H. 592. (With Amendments): To amend Sections 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10, and 34-27A-11 of the Code of Alabama 1975, relating to the licensing and classes of real estate appraisers; to provide for the State Registered Real Property Appraiser Classification; and to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 of the Code of Alabama 1975, from taking a written examination for licensure reclassification to the "Registered Real Property Appraiser" classification.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 592 on page 14, line 3 by striking after the words "The board may select" the following: ~~three~~

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 592 on page 12, line 4, by striking the word ~~classification~~ and inserting in lieu thereof, the following: examination

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 592. To amend Sections 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10, and 34-27A-11 of the Code of Alabama 1975, relating to the licensing and classes of real estate appraisers; to provide for the State Registered Real Property Appraiser Classification; and to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 of the Code of Alabama 1975, from taking a written examination for licensure reclassification to the "Registered Real Property Appraiser" classification.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 142. To amend Section 14-3-30, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail and the department is in receipt of a transcript of the sentence, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections is housed in a county jail and the department is in receipt of a transcript of the sentence, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

TOMMY CARTER
Chairman

And the bill, H. 142, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 291. To amend Sections 41-16-50, 41-16-51, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for recycling between municipalities and counties and those providing the service; to provide for an increase in the minimum expenditures for the leasing of heavy duty off-highway equipment; and to provide that all original bids together with all documents pertaining to the award of

the contract shall be retained for a period of seven years from the date the bids are opened.

TOMMY CARTER
Chairman

And the bill, H. 291, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 568. Relating to the City of Birmingham in Jefferson County; establishing a Study Commission to study the feasibility of the Birmingham Stadium and Exposition District, and creating the Birmingham Stadium and Exposition District.

TOMMY CARTER
Chairman

And the bill, H. 568, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 198. To require local boards of education to develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who have brought to school or have in their possession a firearm in school buildings, on school grounds, on school buses, or at any other school-sponsored function.

TOMMY CARTER
Chairman

And the bill, H. 198, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 599, was adopted.

Yeas 88; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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And the bill:

H. 599. To state the legislative intent; to define terms used in this act; to designate the Board of Nursing as the sole state authority to establish the qualifications necessary for a registered nurse to be certified as an advanced practice nurse; to authorize the Board of Nursing to adopt rules and regulations governing the certification of the advanced practice nurse; to provide that the State Board of Medical Examiners and the Board of Nursing shall regulate the collaborative practice of physicians and advanced practice nurses which includes certified registered nurse practitioners and certified nurse midwives, to require persons wishing to engage in those two categories of advanced practice nursing to be certified by the Board of Nursing and practice in accordance with protocols approved by the State Board of Medical Examiners and the Board of Nursing to recommend rules and regulations to govern the collaborative relationship between physicians and those two categories of advanced practice nurses; to authorize two categories of advanced practice nurses to prescribe legend drugs; to specify prohibited acts; to establish requirements for disciplinary actions to be initiated by the State Board of Medical Examiners and the Board of Nursing; and to authorize the State Board of Medical Examiners and the Board of Nursing to seek a civil injunction against any person engaged in advanced practice nursing in violation of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Knight (J) intended to vote "Yea" on passage of the bill, H. 599.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 599:

Representatives Allen, Baker, Bandy, Black (M), Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, H. 609, was adopted.

Yeas 87; Nays 0.

13th Day

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 609. To amend Section 16-22-9 of the Code of Alabama 1975, to further provide for the establishment of a sick leave bank plan by an educational authority under certain conditions, and to provide that an employee would be required to be a member of the sick leave bank to donate or receive catastrophic sick leave days.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 484. Relating to the status of mayor in a Class 8 municipality with a mayor-council form of government; to provide that a Class 8 municipality may provide for a referendum at which the registered voters of the city (town) may vote on the issue of whether, after the 1996 municipal election, the office of mayor will be a full-time position; to establish the appropriate procedures for the referendum; to further provide for a subsequent referendum concerning the duties of a mayor in such Class 8 municipality in the event that the governing body subsequently determines that the status of mayor need not be full-time.

TOMMY CARTER
Chairman

And the bill, H. 484, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, H. 556, was adopted.

Yeas 74; Nays 5.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Collins, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

Nay:

Representatives Baker, Knight (J), McClammy, Minnifield and Payne.

- 5

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Boyd intended to vote "Yea" on passage of the bill, H. 599.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 216. RELATIVE TO MEETING DAYS.

Also:

H.J.R. 188. RELATIVE TO MEETING DAYS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 179. COMMENDING ANITA TATUM FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

Also:

H.J.R. 182. COMMENDING NICOLETTE MOLENAAR OF HOLLAND, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 184. COMMENDING SUZANNE JACKSON CRUMP OF TUSCALOOSA, ALABAMA.

Also:

H.J.R. 192. MOURNING THE DEATH OF MARK WINDSOR OF ROANOKE, ALABAMA.

Also:

H.J.R. 194. EXPRESSING SYMPATHY AND SUPPORT FOR STORM VICTIMS IN NORTH ALABAMA.

Also:

H.J.R. 200. MOURNING THE DEATH OF ANNIE PEARL RICHARDSON OF MOBILE, ALABAMA.

Also:

H.J.R. 201. RECOGNIZING AND COMMENDING THE JEFFERSON LOVELL CHAPTER #2575, UNITED DAUGHTERS OF THE CONFEDERACY, JASPER, ALABAMA.

Also:

H.J.R. 203. COMMENDING NANCY CARTER BILLINGS OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 205. COMMENDING THE TALLASSEE HIGH SCHOOL BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 209. COMMENDING JANE WATKINS UPON HER RETIREMENT FROM CALHOUN COMMUNITY COLLEGE.

Also:

H.J.R. 211. COMMENDING THE FRANKLIN COUNTY SHERIFF'S DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 212. COMMENDING ANDREW OLIVER WHITE OF DADEVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 556 TAKEN UP

And the bill:

H. 556. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

was taken up.

AMENDMENT OFFERED

Representative Smith offered the following amendment to the bill, H. 556:

"Once a legislator makes a request he or she shall automatically receive the appropriate volumes through the quadrennium."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 217, the time to debate the bill, H. 556, as amended, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

H. 339 TAKEN UP

And the bill:

H. 339. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the State Economic Opportunity Office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed,

Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Townsend, Turnham, Vance, Venable, Warren, White and Willis.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Gaines, House Rule 19 was suspended in order for him to serve as sponsor in Representative Hawk's absence for the Budget Isolation Resolution and the bill, H. 525.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hawk offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 525.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 217, the time to debate the bill, H. 525, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 592. To amend Sections 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10, and 34-27A-11 of the Code of Alabama 1975, relating to the licensing and classes of real estate appraisers; to provide for the State Registered Real Property Appraiser Classification; and to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 of the Code of Alabama 1975, from taking a written examination for licensure reclassification to the "Registered Real Property Appraiser" classification.

TOMMY CARTER
Chairman

And the bill, H. 592, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 487, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-82

S. 317 SUBSTITUTED FOR H. 487

In accordance with House Rule 20 and on motion of Representative Box, the bill, S. 317, was substituted for the bill, H. 487.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 317, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton,

Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-92

And the bill:

S. 317. To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

was read a third time at length and passed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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H. 487 INDEFINITELY POSTPONED

On motion of Representative Box, the bill, H. 487, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 188, were temporarily carried over due to the absence of the sponsor.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 558, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-84

And the bill:

H. 558. (With Substitute): To amend Sections 32-6-4 and 32-6-4.1 of the Code of Alabama 1975, relating to nondriver identification cards; to provide that any person under the age of 62 years shall renew the nondriver identification card every eight years; to provide that a mentally or physically disabled person who is incapable of obtaining a driver's license shall not be charged, except for the fee of the judge of probate or license commissioner of the county; to provide that a person 62 years of age and older shall not be required to renew the card except as provided by Section 32-6-4.1, Code of Alabama 1975, and the rules and regulations of the Director of the Department of Public Safety; to provide for the cost and renewal of nondriver identification cards; to authorize the Director of Public Safety to adopt and enforce reasonable rules and regulations relating to the use of the nondriver identification card; and to provide for an effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 32-6-4 and 32-6-4.1 of the Code of Alabama 1975, relating to nondriver identification cards; to provide that any person under the age of 62 years shall renew the nondriver identification card every eight years; to provide that a mentally or physically disabled person who is incapable of obtaining a driver's license shall not be charged, except for the fee of the judge of probate or license commissioner of the county; to provide that a person 62 years of age and older shall not be required to renew the card except as provided by Section 32-6-4.1, Code of Alabama 1975, and the rules and regulations of the Director of the Department of Public Safety; to provide for the cost and renewal of nondriver identification cards; to authorize the Director of Public Safety to adopt and enforce reasonable rules and regulations relating to the use of the nondriver identification card; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-6-4 and 32-6-4.1 of the Code of Alabama 1975, are amended to read as follows:

"§32-6-4.

"(a) Upon the installation of a system for the issuance of drivers' licenses and nondriver identification cards with color photographs of licensees and nondrivers thereon, all licenses and identification cards and renewals of licenses issued in this state shall be issued in the following manner:

"(1) The person shall apply under oath to the judge of probate or license commissioner of the county of his or her residence for the driver's license or nondriver identification card or renewal of a license upon a form which shall be provided by the Director of Public Safety.

"(2) The judge of probate or license commissioner shall take a color photograph of the licensee with equipment to be furnished by the department of public safety to be attached to each application.

"(b) For the purpose of defraying the cost of issuing drivers' licenses or nondriver identification cards with color photographs of the licensee or nondriver thereon, except as provided in Section 32-6-4.1, the judge of probate or license commissioner shall collect for each license or identification card the sum of \$20 for a four-year license or an identification card, and the judge of probate or license commissioner shall give the licensee a driver's license or identification card. Except as provided by rules and regulations of the Director of Public Safety, the ~~The~~ nondriver identification card shall bear no expiration date for any person 62 years of age or older."

"§32-6-4.1.

~~"In addition to the drivers' licenses and nondriver identification cards provided for in section 32-6-4 the director of the state department of public safety shall promulgate the necessary rules and regulations for the issuance of special nondriver identification cards for retarded persons with color photographs of such retarded persons thereon. For the purpose of defraying the cost of issuing such identification cards, the judge of probate or license commissioner shall collect for each card the sum of \$2.00 for an eight year card and after retaining a fee of \$.25 for each card issued, such judge or commissioner shall remit the remaining \$1.75 to the state treasurer for use by the department of public safety according to the same procedures prescribed in section 32-6-5 for reporting collections on drivers' licenses and nondriver identification cards. The judge of probate or license commissioner may charge only the cost to the Department of Public Safety and the county fee, if any, for the issuance of a nondriver identification card for any person 62 years of age or older. A mentally or physically disabled or legally blind person who is incapable of obtaining a driver's license shall not be charged a fee, except the county fee for the issuance of a nondriver identification card nor shall the card have an expiration date, except as provided by rules and regulations of the Director of the Department of Public Safety."~~

Section 2. Each nondriver identification card issued to any person, except cards issued pursuant to Section 32-6-4.1, Code of Alabama 1975, who is less than 62 years of age shall expire eight years from the date of issuance or as otherwise provided by the rules and regulations of the Director of the Department of Public Safety.

Section 3. Each nondriver identification card issued to any person who is 62 years of age or older or to any person pursuant to Section 32-6-4.1, Code of Alabama 1975, shall expire as provided by the rules and regulations of the Director of the Department of Public Safety.

Section 4. Each nondriver identification card may be subject to renewal, reissue, suspension, or revocation by rules and regulations of the Director of the Department of Public Safety, or as otherwise provided by law.

Section 5. The Director of the Department of Public Safety may adopt and enforce reasonable rules and regulations relating to the fraudulent use, misuse, or abuse of the privilege of using a nondriver identification card, or for purposes of obtaining current information or recent photograph at least every eight years.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective 60 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

And the bill:

H. 558. To amend Sections 32-6-4 and 32-6-4.1 of the Code of Alabama 1975, relating to nondriver identification cards; to provide that any person under the age of 62 years shall renew the nondriver identification card every eight years; to provide that a mentally or physically disabled person who is incapable of obtaining a driver's license shall not be charged, except for the fee of the judge of probate or license commissioner of the county; to provide that a person 62 years of age and older shall not be required to renew the card except as provided by Section 32-6-4.1, Code of Alabama 1975, and the rules and regulations of the Director of the Department of Public Safety; to provide for the cost and renewal of nondriver identification cards; to authorize the Director of Public Safety to adopt and enforce reasonable rules and regulations relating to the use of the nondriver identification card; and to provide for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A),

Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 579, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-82

And the bill:

H. 579. (With Amendment): To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-590, 1994 Regular Session, providing that a person driving under the influence of alcohol or a controlled substance would receive an enhanced penalty after the first charge of driving under the influence irrespective of the date of the subsequent conviction.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 579 on Page 2, Line 3, after the word "that" by deleting the following language: ~~a person driving under the influence of alcohol or a controlled substance would receive an enhanced penalty after the first charge of driving under the influence irrespective of the date of the subsequent conviction~~

and insert the following language in lieu thereof: the date of the offense, not conviction, will be the controlling date for determining offenses within a five year time period for purposes of enhanced penalties

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-85

And the bill:

H. 579. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-590, 1994 Regular Session, providing that the date of the offense, not conviction, will be the controlling date for determining offenses within a five year time period for purposes of enhanced penalties.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J),

Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-92

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morton, the Budget Isolation Resolution relating to the bill, H. 380, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-83

And the bill:

H. 380. (With Amendment): To provide further for the powers of the board and membership fees of credit unions; to provide for the powers of the administrator of the Alabama Credit Union Administration to include the power to act as a conservator of a credit union under certain conditions, subject to quarterly review of the board; to provide for the rules and regulations and written policies and interpretations of law and regulation and to give certain immunity to officers and directors relying on the written policies and interpretation; and to provide further appointments, qualifications, and residency of members of the credit union board; and for these purposes amending Sections 5-17-4, 5-17-8, 5-17-46, and 5-17-55, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend H. 380 on Page 11, by deleting lines 13 thru 17 in their entirety and inserting in lieu thereof the following: "(3) The Credit Union Board of the Alabama Credit Union Administration votes by a two-thirds majority of voting members that the Alabama Credit Union Administration shall relinquish possession and control of the credit union. Such vote shall be held on at least a quarterly basis while the credit union is held in conservatorship by the Alabama Credit Union Administration.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-91

And the bill:

H. 380. To provide further for the powers of the board and membership fees of credit unions; to provide for the powers of the administrator of the Alabama Credit Union Administration to include the power to act as a conservator of a credit union under certain conditions, subject to quarterly review of the board; to provide for the rules and regulations and written policies and interpretations of law and regulation and to give certain immunity to officers and directors relying on the written policies and interpretation; and to provide further appointments, qualifications, and residency of members of the credit union board; and for these purposes amending Sections 5-17-4, 5-17-8, 5-17-46, and 5-17-55, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-95

BUDGET ISOLATION RESOLUTION OFFERED

Representative Johnson (E) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 624.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 217, the time to debate the bill, H. 624, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

NOTICE IN WRITING FILED

Representative Newton (D) filed the following Notice in Writing:

Notice is hereby given in accordance with House Rule 19 that Representative Curry is designated to serve as sponsor for H. 286.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 286, was adopted.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Townsend, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Hinshaw.

- 1

And the bill:

H. 286. (With Substitute): To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to provide that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to provide that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Curry offered the following substitute to the committee substitute bill, H. 286:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to clarify that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to authorize the appointment of a nonpublic accountant to the state board of public accountancy; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975, are amended to read as follows:

"§34-1-2.

"For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed in this section:

"(1) BOARD. The Alabama state board of public accountancy created by section 34-1-3, except the special meaning applicable only to section 34-1-4.

~~"(2) Masculine terms when used herein shall also include the feminine.~~

"(2) FIRM. A sole proprietorship, partnership, professional corporation, professional association, limited liability company, limited liability partnership, or any other form of business entity now or hereafter recognized by Alabama law.

"(3) LICENSE. A certificate issued pursuant to Section 34-1-4, a permit issued pursuant to Section 34-1-11, or registration pursuant to Section 34-1-8; or, in each case, a certificate or permit issued pursuant to corresponding provisions of prior law.

"(4) LICENSEE. The holder of a license.

"(5) OWNER. Any person who holds an ownership interest in a firm, engages in the practice of public accountancy through that firm, and holds a license.

~~"(3)~~ (6) STATE. Any state, territory, or insular possession of the United States or the District of Columbia."

"§34-1-3.

"(a) There is hereby created a board of public accountancy in and for the state of Alabama, to be known as the Alabama state board of public accountancy. The board shall consist of seven members appointed by the governor and effective October 1, 1988, confirmed by the Senate as provided in subsection (g) hereof. Members of the board shall be citizens of the United States and residents of the state. The five Five members of the present Alabama state board of public accountancy shall be certified public accountants in good standing with the board and shall be appointed by the governor to the board hereby created, one for one year, one for two years, one for three years and two for four years. The governor shall designate the term of each appointee. The governor shall, in addition, the first year, appoint two other members to the board two one being a public accountants accountant who hold licenses holds an active license to practice public accountancy issued under the laws of this state and who are is in active practice as a public accountants accountant and a to four year terms, thereby enlarging the board to seven members. seventh member of the board who shall not be a public accountant holding an active license to practice public accountancy, but shall at the time of his or her appointment be an active and reputable member of the Alabama business community who possesses a knowledge and understanding of financial transactions and financial statements. Such The persons and their successors shall constitute the board of public accountancy and shall have and exercise all the powers and authority vested by law in said board.

"(b) ~~The effective date of the above appointments shall be October 1, 1973.~~ All members serving as of May 1, 1995, shall continue until their respective terms expire. All subsequent appointments shall be effective on October 1 for four-year terms, unless an appointment is made for an unexpired term.

"(c) ~~The board shall, after 12 years following October 1, 1973, be reduced to six members, composed of five certified public accountants and one public accountant.~~

"(d) (c) The Alabama society of certified public accountants shall, at least 30 days prior to the beginning of any term; or within 30 days after any position on the board becomes vacant, submit to the governor the names of five persons qualified for membership on the board for each the certified public accountant position to be filled, and the governor shall appoint one of the five nominees. Should Upon the failure of the Alabama society of certified public accountants fail to submit timely nominations for a position on the board of public accountancy, then the board of public accountancy may forthwith submit nominations for the position to the governor, who shall appoint one of the five nominees.

"(e) (d) The Alabama association of public accountants shall, at least 30 days prior to the beginning of any term; or within 30 days after any position on the board becomes vacant, submit the names of five persons qualified for membership on the board for each the public accountant position to be filled, and the governor shall appoint one of the five nominees. Should Upon the failure of the Alabama association of public accountants fail to submit timely nominations for a

position on the board of public accountancy, ~~then the board of public accountancy may forthwith~~ submit nominations for the position to the governor, who shall appoint one of the five nominees.

"(f) (e) No person who has served two successive complete terms on the board shall be eligible for reappointment until after the lapse of one year. ~~Appointment~~ ~~An appointment~~ to fill an unexpired term ~~is shall not to~~ be considered as a complete term. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of his or her term of office, a member shall continue to serve until his or her successor ~~shall have been~~ is appointed and ~~shall have~~ qualified. Within 15 days after their appointment, the members of ~~said~~ the board shall take an oath before any person lawfully authorized to administer oaths in this state to faithfully and impartially perform their duties as members of ~~said the~~ the board, and the same shall be filed with the secretary of state. The governor shall remove from the board any accountant-member whose permit to practice has become void, or has been revoked, or suspended, and or may, after a hearing, remove any member of the board for neglect of duty or other just cause.

"(g) (f) The board shall elect annually a chairman chair, a vice-chairman vice-chair, and a secretary-treasurer from its members.

"(h) (g) The board may adopt, and amend ~~from time to time~~, rules and regulations, ~~in accordance with~~ pursuant to the state administrative procedure statutes, act for the orderly conduct of its affairs and for the administration of this chapter.

"(i) (h) A majority of the board shall constitute a quorum for the transaction of business.

"(j) (i) The board shall have a seal which shall be judicially noticed.

"(k) (j) The board shall keep records of its proceedings; and, ~~in~~ of any proceeding in court, civil or criminal, arising out of or founded upon ~~any provision of this chapter, copies~~ Copies of ~~said the~~ records certified as correct under the seal of the board shall be admissible in evidence ~~as tending to prove the content of said the~~ records.

"(l) (k) The board shall have printed and published for distribution an annual register which shall contain the names, arranged alphabetically by classification, of all practitioners holding permits to practice under this chapter; the names of the members of the board; and all other such matters as may be information deemed proper by the board.

"(m) (l) The board may employ such personnel and arrange for such assistance, services, and supplies as it ~~may require~~ requires for the performance of its duties.

~~"(n) (m)~~ The board may promulgate, and ~~from time to time~~ amend, rules of professional conduct appropriate to establish and maintain a high standard of integrity in the profession of public accountancy. At least 60 days prior to the promulgation of any ~~such~~ rule or amendment, the board shall mail copies of the proposed rule or amendment to each holder of a permit issued under section 34-1-11, with a notice advising him or her of the proposed effective date of the rule or amendment and requesting that he or she submit ~~his~~ comments thereon at least 15 days prior to ~~such the~~ effective date; ~~such the~~ comments shall be advisory only. Failure to receive by mail ~~such the~~ rule, amendment, or notice by all permit holders shall not affect the validity of any ~~such~~ rule or amendment.

~~"(e) (n) Out of the funds of the board, each~~ Each member of the board shall be paid the same per diem and travel allowance ~~as is paid to state employees for each day he the member is actively engaged in the official business of the board out of the funds of the board.~~

~~"(p) (o)~~ Any records, information, or writings obtained or kept by the board of public accountancy in connection with a practice review program, or obtained or kept by the board in connection with a disciplinary investigation shall be held in confidence. If, pursuant to a disciplinary investigation, probable cause for a hearing is found by the board, records, information, or writings upon which the finding is based ~~will~~ shall be available to the licensee under investigation; ~~otherwise, records~~ Records, information, and writings held in confidence shall not be disclosed to any person except to the extent necessary to carry out the purposes of the practice review program, the investigation, or the provisions of Title 34, chapter 1, as amended; ~~or pursuant to a court order for the production of evidence or the discovery thereof; or pursuant to litigation involving the board of public accountancy wherein such the records, information, or writings are relevant to the issue in litigation. Notwithstanding the foregoing, with respect to peer or quality review programs deemed acceptable to the board which are performed by other organizations, the board shall require that the peer or quality review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that neither the board nor any third party, other than an oversight body, shall have access to documents furnished or generated in the course of the review."~~

"§34-1-6.

~~"(a) A firm partnership, professional association or professional corporation~~ engaged in this state in the practice of public accounting may register with the board as a ~~firm partnership or professional association or professional corporation~~ of certified public accountants provided it meets all of the following requirements:

~~"(1) At least one owner general partner or shareholder thereof must~~ shall be a certified public accountant of this state in good standing.

~~"(2) Each owner partner or shareholder thereof regularly engaged within this state in the practice of public accounting as a member thereof must of the firm~~ shall be a certified public accountant of this state in good standing except as provided in subdivision (5) of this subsection.

~~"(3) Each partner or shareholder thereof in the United States must be a certified public accountant of some state in good standing.~~

"(4) ~~(3)~~ Each resident manager in charge of an office of a firm in this state whose main office is outside this state ~~must~~ shall be a certified public accountant of this state in good standing except as provided in subdivision (5) of this subsection.

~~"(5) (4) Certified public accountants (CPA's) from other jurisdictions Partners or resident managers~~ transferring into Alabama ~~will~~ shall be required to obtain an Alabama reciprocal certificate within 24 months from the date of ~~such~~ transfer.

"(b) Application for registration ~~must~~ shall be made upon the affidavit of an owner a general partner of such partnership or an officer of such professional association or professional corporation the firm who is a certified public accountant of this state in good standing. The board shall in each case determine whether the applicant firm is eligible for registration. A firm partnership, professional association or professional corporation which is ~~so~~ registered and which holds a permit issued under section 34-1-11 may use the words "certified public accountants" the abbreviation "C.P.A.'s" in connection with its ~~partnership, professional association or corporate~~ the name of the firm. Notification shall be given the board, within one month, after the admission to or withdrawal of ~~a partner an owner from any firm partnership or a shareholder from any professional association or professional corporation so registered.~~

"§34-1-9.

"(a) A ~~firm partnership, professional association or professional corporation~~ engaged in ~~the~~ this state in the practice of public accounting may register with the board as a firm partnership, professional association or professional corporation of public accountants; provided, and each owner partner or shareholder thereof must shall be a certified public accountant or public accountant of this state in good standing.

"(b) Application for registration ~~must~~ shall be made upon the affidavit of a general partner an owner of such the firm partnership or an officer of such professional association or professional corporation who is a certified public accountant or public accountant of this state in good standing. The board shall in each case determine whether the applicant firm is eligible for registration. A firm partnership, professional association or professional corporation which is ~~so~~ registered and which holds a permit issued under section 34-1-11 may use the words "public accountants" or the abbreviation "P.A.'s" in connection with its ~~partnership, professional association or professional corporation~~ the name of the firm. Notification shall be given the board, within one month, after the admission to or withdrawal of ~~a partner an owner from any partnership or a shareholder from any professional association or professional corporation so firm~~ registered."

"§34-1-10.

"Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, ~~or partnership or professional association or professional corporation~~ firm of certified public accountants, ~~or by a public accountant, or partnership or professional association or professional corporation~~ firm of public accountants, or by one registered under section 34-1-5 shall be registered annually under this chapter with the board, but no fee shall be charged for such registration. Each ~~such~~ office shall be under the direct supervision of a ~~resident manager who may be either a principal, shareholder or a staff employee~~ licensee holding a permit under section 34-1-11, which is in full force and effect, ~~provided, that~~ Notwithstanding the foregoing, the title or designation "certified public accountant" or the abbreviation "C.P.A." shall not be used in connection with such the office unless ~~such resident manager~~ the licensee is the holder of a certificate as a certified public accountant under section 34-1-4 and a permit issued under section 34-1-11, both of which are in full force and effect. ~~Such resident manager~~ The licensee may serve in such capacity at one office only. The board shall by regulation prescribe the procedure to be followed in effecting ~~such~~ registrations."

"§34-1-13.

"(a) After notice and hearing as provided in section 34-1-14, the board shall revoke the registration and permit to practice of a firm ~~partnership, professional association or professional corporation~~ if at any time it does not have all the qualifications prescribed by the section of this chapter under which it qualified for registration.

"(b) After notice and hearing as provided in section 34-1-14, the board may revoke or suspend the registration of a firm ~~partnership, professional association or professional corporation~~ or may revoke, suspend, or refuse to renew its permit under section 34-1-11 to practice, or may censure the holder of any ~~such~~ permit for any of the causes enumerated in section 34-1-12 or for any of the following additional causes:

"(1) The revocation or suspension of the certificate or registration or the revocation, ~~or suspension,~~ or refusal to renew the permit to practice of any licensee ~~partner or shareholder~~.

"(2) The cancellation, revocation, suspension, or refusal to renew the authority of the firm ~~partnership or any owner partner thereof, or any professional association or professional corporation or shareholder thereof,~~ to practice public accounting in any other state for any just cause other than failure to pay an annual registration fee in ~~such~~ the other state."

"§34-1-16.

"No person shall assume or use the title or designation "certified public accountant" ~~or~~₁ the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card₁ or device tending to indicate that ~~such~~ the person is a certified public accountant, unless ~~such~~ the person has received a certificate as a certified public accountant under section 34-1-4 and if in public practice₁ holds a permit issued under section 34-1-11, which is not revoked or suspended, hereinafter referred to as a live permit, and all of ~~such person's~~ the offices of the person in this state for the practice of public accounting are maintained and registered as required under section 34-1-10; provided₁ that however:

"(1) A foreign accountant who has registered under ~~the provisions of~~ section 34-1-5 and who holds a live permit issued under section 34-1-11 may use the title under which he or she is generally known in his or her country, followed by the name of the country from which ~~he received his~~ the certificate, license₁ or degree was received.

"(2) No ~~firm~~ partnership shall assume or use the title or designation "certified public accountants" or the abbreviation "~~C.P.A.'s~~ CPA's" or any other title, designation, words, letters, signs, abbreviation, card₁ or device tending to indicate that ~~such partnership~~ the firm is composed of certified public accountants, unless ~~such partnership~~ the firm is registered as a partnership firm of certified public accountants under section 34-1-6, holds a live permit issued under section 34-1-11₁ and all of ~~such partnership's~~ the offices of the firm in this state for the practice of public accounting are maintained and registered as required under section 34-1-10.

~~"(3) No professional association or professional corporation shall assume or use the title or designation "certified public accountants" or the abbreviation "C.P.A.'s" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such professional association or professional corporation is composed of certified public accountants unless such professional association or professional corporation is registered as a professional association or professional corporation of certified public accountants under section 34-1-6, holds a live permit issued under section 34-1-11, and all of such professional association's or professional corporation's offices in this state for the practice of public accounting are maintained and registered as required under section 34-1-10.~~

"(4) (3) No person shall assume or use the title or designation "public accountant₁" ~~or~~ the abbreviation thereof₁ or any other title, designation, words, letters, abbreviation, sign, card₁ or device tending to indicate that ~~such~~ the person is a public accountant, unless ~~such~~ the person is registered as a public accountant under section 34-1-8, holds a live permit issued under section 34-1-11, and all of ~~such person's~~ the offices of the person in this state for the practice of public accounting are maintained and registered as required under section 34-1-10 or unless ~~such~~ the person has received a certificate as a certified public accountant under section 34-1-4, holds a live permit issued under section 34-1-11₁ and all of ~~such person's~~ the offices of the person in this state for the practice of public accounting are maintained and registered as required under section 34-1-10.

~~"(5) (4) No partnership firm~~ shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that ~~such partnership the firm~~ is composed of public accountants, unless ~~such partnership the firm~~ is registered as a ~~partnership firm~~ of public accountants under section 34-1-9, or as a ~~partnership firm~~ of certified public accountants under section 34-1-5, and holds a live permit issued under section 34-1-11, and all of ~~such partnership's the offices of the firm~~ in this state for the practice of public accounting are maintained and registered as required under section 34-1-10.

~~"(6) No professional association or professional corporation shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such a professional association or professional corporation is composed of public accountants, unless such a professional association or professional corporation is registered as a professional association or professional corporation of public accountants under section 34-1-9, or as a professional association or professional corporation of certified public accountants under section 34-1-6, holds a live permit issued under section 34-1-11 and all such professional association's or professional corporation's offices in this state for the practice of public accounting are maintained and registered as required under section 34-1-10.~~

~~"(7) (5) No person, partnership, professional association or professional corporation or firm~~ shall assume or use the title or designation "certified accountant," "enrolled accountant," "licensed accountant," "registered accountant," or any other title or designation likely to be confused with "certified public accountant" or "public accountant," or any of the abbreviations "CA," "RA," "EA," or "LA," or similar abbreviations likely to be confused with "CPA" or "PA"; ~~provided, that Notwithstanding the foregoing, anyone~~ any person who holds a live permit issued under section 34-1-11, and all of whose offices in this state for the practice of public accounting are maintained and registered as required under section 34-1-10, may hold himself or herself out to the public as an "accountant" or "auditor;" ~~and provided further, that a~~ A foreign accountant registered under section 34-1-5 who holds a live permit issued under section 34-1-11 and all of whose offices in this state for the practice of public accounting are maintained and registered as required under section 34-1-10 may use the title under which he or she is generally known in his or her country, followed by the name of the country from which he or she received his the certificate, license, or degree.

~~"(8) (6) No person shall sign or affix his~~ or her name or any trade or assumed name used ~~by him in his the person's~~ profession or business, with any wording indicating that he or she has expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing financial information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans, and appropriations, unless he or she holds a live permit issued under section 34-1-11, and all of ~~his the~~ offices in this state for the practice of public

accounting are maintained and registered under section 34-1-10; ~~provided, that the provisions of~~ Notwithstanding the foregoing, this subdivision shall not prohibit any officer, employee, partner, or principal of any organization from affixing his or her signature to any statement or report in reference to the financial affairs of ~~said the~~ organization with any wording designating the position, title, or office which he or she holds in ~~said the~~ organization, nor shall ~~the provisions of~~ this subdivision prohibit any act of a public official or public employee in the performance of his ~~their~~ duties ~~as such~~.

~~"(9) (7)~~ No person shall sign or affix a ~~partnership, professional association or corporate~~ the name of the firm, with any wording indicating that it is a ~~partnership, professional association or professional corporation firm~~ composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing financial information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans, and appropriations, unless the ~~partnership, professional association or professional corporation firm~~ holds a live permit issued under section 34-1-11, and all of its offices in this state for the practice of public accounting are maintained and registered as required under section 34-1-10.

~~"(10) (8)~~ No person shall assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a ~~partnership, professional association or professional corporation firm~~, in conjunction with the designation "and company" and "and co." or a similar designation if, ~~in any such case~~, there is in fact no bona fide ~~partnership, professional association or professional corporation firm~~ registered under section 34-1-6 or section 34-1-9; ~~provided, that~~ Notwithstanding the foregoing, a sole proprietor or partnership lawfully using such title or designation on October 1, 1973, may continue to do so if he or she or it otherwise complies with ~~the provisions of~~ this chapter. This section shall not prevent a ~~partnership firm~~ or its successors from continuing to practice under a firm name which consists of or includes the name or names of one or more former ~~partners owners~~, nor shall it prevent the continuation of a ~~partnership name of a firm~~ for a reasonable period of time by the remaining ~~partner owner~~ practicing as a sole proprietor after the withdrawal or death of one or more ~~partners owners~~."

"§34-1-17.

"(a) Nothing contained in this chapter shall prohibit any person not a certified public accountant or public accountant from serving as an employee of, or an assistant to, a certified public accountant, a public accountant, ~~or a firm a partnership or professional association or professional corporation~~ composed of certified public accountants or public accountants holding a permit to practice issued under section 34-1-11; or a foreign accountant registered under section 34-1-5; provided, that ~~such the~~ employee or assistant shall not issue any accounting or financial statements over his ~~or her~~ name.

"(b) Nothing contained in this chapter shall prohibit a certified public accountant of another state, or an accountant who holds a certificate, license, or degree in a foreign country, constituting a recognized qualification for the practice of public accounting in ~~such~~ the country, from temporarily practicing in this state on professional business incident to his or her regular practice outside this state; ~~provided, that such~~ and the temporary practice is conducted in conformity with section 34-1-7 and the regulations and rules of professional conduct promulgated by the board."

"§34-1-21.

"All statements, records, schedules, working papers, and memoranda made by a certified public accountant or public accountant incident to or in the course of professional service to clients by ~~such~~ the accountant, except reports submitted by a certified public accountant or public accountant to a client, shall be and remain the property of ~~such~~ the accountant, in the absence of an express written agreement between ~~such~~ the accountant and the client to the contrary. No ~~such~~ statement, record, schedule, working paper, or memorandum shall be sold, transferred, or bequeathed, without the consent of the client or ~~his~~ the personal representative or assignee of the client, to anyone other than one or more surviving ~~partners~~ owners or new ~~partners~~ owners of ~~such~~ the ~~accountant's~~ firm of the accountant. All statements, records, schedules, working papers, or memoranda prepared by a certified public accountant or public accountant in the performance of a practice monitoring program or peer review, conducted by the board shall be and become the property of the board immediately upon preparation or compilation, and shall be remitted to the board promptly upon completion of the review. The board may retain, archive, or destroy all or any portion of same. The information shall be deemed confidential. Notwithstanding the foregoing, nothing in this act shall be construed as prohibiting the disclosure of information required to be disclosed by the standards of the public accounting profession in effect from time to time with respect to reporting on the examination of financial statements or as prohibiting the disclosure in court proceedings, in investigations or proceedings conducted by the board or the designees of the board, or in ethical investigations conducted by private professional organizations. In addition, nothing in this section shall be construed as prohibiting any temporary transfer of workpapers or other material necessary in the course of carrying out peer reviews."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Curry was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Vance, Venable, Warren, White, Willis and Wren.

-85

And the bill:

H. 286. To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to clarify that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to authorize the appointment of a nonpublic accountant to the state board of public accountancy; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Venable, Warren, White, Willis and Wren.

-87

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 547, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-86

And the bill:

H. 547. To amend Section 24-7-2 of the Code of Alabama 1975, relating to the membership removal hearing of the Mowa Choctaw Housing Authority; to provide that the tribal council shall conduct the hearing for removal of a member from the authority.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-86

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 49, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren and Willis.

-86

And the bill:

H. 49. To amend Section 40-12-176, Code of Alabama 1975, to provide that a violation of this section shall constitute a Class A misdemeanor; to repeal the requirement that tobacco product vending machines have a transparent front window or windows; to require that the machine owner's telephone number be displayed along with the owner's name and street address; and to clarify certain language.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Sanderson.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 534, was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-95

And the bill:

H. 534. To amend Section 34-27-4 of the Code of Alabama 1975, to provide for the transfer of funds from the Real Estate Commission Proportionate Fund to the Real Estate Research and Education Center; to amend Section 34-27-35 of the Code of Alabama 1975, to provide for a research and education fee on each licensee; and to amend Section 34-27-31 of the Code of Alabama 1975, to allow the Real Estate Commission to transfer real estate recovery funds under certain conditions to the Real Estate Research and Education Center.

was taken up.

AMENDMENT OFFERED

Representative Sanderson offered the following amendment to the bill, H. 534:

On page 10, lines 1 and 2, delete the words and figures "five hundred thousand dollars (\$500,000)" and insert in lieu thereof: six hundred thousand dollars (\$600,000)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin,

Hall (A), Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-94

And the bill:

H. 534. To amend Section 34-27-4 of the Code of Alabama 1975, to provide for the transfer of funds from the Real Estate Commission Proportionate Fund to the Real Estate Research and Education Center; to amend Section 34-27-35 of the Code of Alabama 1975, to provide for a research and education fee on each licensee; and to amend Section 34-27-31 of the Code of Alabama 1975, to allow the Real Estate Commission to transfer real estate recovery funds under certain conditions to the Real Estate Research and Education Center.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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RESOLUTIONS

The following resolutions were introduced:

By Representative Box:

H.J.R. 219. COMMENDING PATRICIA HICKS OF SATSUMA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

The resolution, H.J.R. 219, was read and referred to the Standing Committee on Rules.

Also:

By Representative McKee:

H.J.R. 220. COMMENDING EDWARD P. DOMBROWSKI FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

The resolution, H.J.R. 220, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 221. RECOGNIZING ANDALUSIA HOSPITAL FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Representative Rogers (J):

H.J.R. 222. MOURNING THE DEATH OF GLORIA FINEBAUM OF BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 222, was read and referred to the Standing Committee on Rules.

Also:

By Representative Wren:

H.J.R. 223. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO EVALUATE THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES.

The resolution, H.J.R. 223, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:15 A.M. on June 1, 1995.

H. 78

H. 86

H. 88

H. 418

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Carter, the House adjourned until 1:00 o'clock p.m., Tuesday, June 6, 1995.